

KOSOVO AND TRANSITIONAL JUSTICE: HOW DO POST-CONFLICT MEASURES AFFECT THE INTERGROUP RELATIONS ACROSS THE COUNTRY?

by

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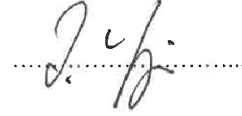
KOSOVO AND TRANSITIONAL JUSTICE: HOW DO POST-CONFLICT MEASURES
AFFECT THE INTERGROUP RELATIONS ACROSS THE COUNTRY?

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ABSTRACT

KOSOVO AND TRANSITIONAL JUSTICE: HOW DO POST-CONFLICT MEASURES AFFECT THE INTERGROUP RELATIONS ACROSS THE COUNTRY?

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Conflict Analysis and Resolution, M.A. Thesis, September 2018

Thesis Supervisor: Asst. Prof. Kerem Yıldırım

This study is a work focused on the post-conflict situation in Kosovo, its reconciliation process and the state of the intergroup relations between its two biggest ethnic groups, the Albanian majority and Serb minority. It offers an extended literature review on ethnic conflict resolution and reconciliation paired with a strong consideration of social psychology focusing on identity and intergroup relations. By offering an interlaced view of these separate bodies of work, it seeks to bring a new perspective to observe the Kosovo case. It presents a discussion of the events that shaped Kosovo for what is it today, keeping the focus on society and perceptions. To strengthen the hold of the situation, it presents results from direct fieldwork conducted with the subjects of the discussed case. The study emphasizes the role and impact reconciliatory measures have on divided societies yet as its findings suggest, it brings into consideration that in such conditions, reconciliatory processes might be incomplete thus leading into a dysfunctional relationship between such measures and the society they are supposed to improve. This study on Kosovo emphasizes that the country has failed to conduct a properly structured reconciliation process centrally, which has closed the way to any improvement of the intergroup relations on its societal levels.

Keywords: Kosovo War, Reconciliation Process, Ethnic Conflict, Intergroup Relations

ÖZET

KOSOVA VE GEÇİŞ DÖNEMİ ADALETİ: ÇATIŞMA SONRASI UZLAŞMA SÜRECİNİN GRUPLARARASI İLİŞKİLERE ETKİSİ

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Bu çalışma, Kosova'daki çatışma sonrası durum, uzlaşma süreci ve en büyük iki etnik grup olan Arnavut çoğunluğun ve Sırp azınlığının arasındaki ilişkilerin durumu üzerine odaklanmaktadır. Bu çalışmanın amacı etnik çatışma çözümü ve uzlaşma üzerine, kimlik ve gruplar arası ilişkilere odaklanan bir sosyopsikolojik yaklaşım ile eşleştirilmiş ve genişletilmiş bir literatür taraması sunmaktır. Ayrıca ayrıştırılmış bu kurumların iç içe geçmiş bir görünümünü sunarak Kosova davasını gözlemlemek için yeni bir bakış açısı getirmeyi amaçlamaktadır. Böylece, Kosova'yı bugünkü duruma göre şekillendiren, topluma ve algılara odaklanan olayları tartışır. Bu mevcut durumun anlaşılması için insanlar ile yürütülen doğrudan saha çalışmasının sonuçlarını sunar. Çalışma, uzlaşmacı tedbirlerin bölünmüş toplumlar üzerindeki rolünü ve etkilerini vurguluyor, ancak bulguların öne sürdüğü gibi bu tür durumlarda uzlaşma süreçlerinin yetersiz olması durumunda tamamlamayabileceği ve böylelikle bu önlemler ile iyileştirilmesi gereken toplum arasında işlevsiz bir ilişkiye yol açtığını da dikkate alıyor. Kosova konusundaki bu çalışma, ülke çapında gruplararası ilişkilerin toplumsal düzeylerinde herhangi bir iyileşmeye sebep verecek olan ve aynı zamanda düzgün bir şekilde yapılandırılmış bir uzlaşma sürecini gerçekleştiremediğini vurgulamaktadır.

Anahtar Kelimeler: Kosova Savaşı, Etnik Çatışma, Gruplararası İlişkiler, Uzlaşma Süreci

Dedicated to my mother and to all the strong women I know

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GLOSSARY

EULEX - European Union Rule of Law Mission in Kosovo

ICTY - International Criminal Tribunal for the former Yugoslavia

KA - Kosovo Army

KLA - Kosovo Liberation Army

LDK - Democratic League of Kosovo

SFRY - Socialist Federal Republic of Yugoslavia

TRC - Truth and Reconciliation Commission

UNMIK - United Nations Interim Administration Mission in Kosovo

UNSC - United Nations Security Council

INTRODUCTION

Almost twenty years after the armed conflict and a decade following its unilateral independence declaration, Kosovo has been the object of several studies on peace-building, international intervention and the legal framework of the secession from the former Yugoslavia. However, there have been only a handful of research that have focused on the post-conflict period, with even less focusing on social structures, the challenges of being a new state and how it is scoring in bringing a long-term settlement to the ethnic issues in the area¹.

Despite the great effort made by international bodies alongside actors in the region and the Kosovar state itself, there is still no reliable result in terms of peace and stability in the area. There is high unemployment, infrastructural issues, a lack of trust in institutions, thousands of internally displaced individuals, social division and inter-ethnic incidents. Kosovo is heavily divided between Albanians and Serbs. Many of them experience mutual fear, mistrust, hate, and grievances in relation to the other ethnic community (Staub, 2006). They live in their own communities and there is only limited contact between them. The Kumanovo Agreement has not changed the quality of the relationship between Albanians and Serbs in Kosovo as it was just a deal to end the bloodshed (Kelman H. , 2008, p. 119). The state of the relationship is important because it is precisely this that lies at the center of the ethnic conflict (Auberach, 2009, p. 294) and it still has an escalatory potential. The examples of Bosnia and Rwanda show that an ethnic conflict is likely to flare up again when no attention is paid to inter-ethnic relations (Bar Tal, 2000, p. 362).

¹ (Zyberi & Letnar Cernic, 2015) Transitional Justice Processes and Reconciliation in the Former Yugoslavia: Challenges and Prospects. *Nordic Journal of Human Rights*, 33(2), 132-157; (Zupan, 2006) Facing the past and transitional justice in countries of former Yugoslavia. *Peacebuilding and civil society in Bosnia-Herzegovina. Ten years after Dayton*, 327-342.; (Di Lellio & McCurn, 2013) Engineering Grassroots Transitional Justice in the Balkans: The Case of Kosovo. *East European Politics and Societies*, 27(1), 129-148.

This study focuses on the post conflict period and more precisely on the popular perspective on this period after the placement of certain milestones like the declaration of independence or the establishment of War Crimes Tribunal. It aims to bring light to the transitional policies and the process often referred by the Kosovo political scene and the international bodies: the reconciliation process. The reconciliation process is a very complex, multilayered process whose purpose and hoped result is shifting from a violent, hostile past to a commonly built and improved future (Davies & Kaufman, 2002, p. 162). Its most important aspect is that it stands for a long term improvement of relations and not an immediate solution. So it is not only a process but a goal too (Freeman & Hayner, 2003, p. 609) and this study aims to analyze it as both a process and an outcome of the multitude of attempts at dealing with the post-conflict issues.

As the study unfolds through what the parts of such process are and how they have been implanted in the country, it discovers that despite the tries of the international bodies and an apparent interest on its development on part of Kosovo and Serbia alike, the process stretches through political interests more than it aims to deal with the post-conflict period. The extended analysis on how Kosovo domestically deals with post-reconciliation looks at how the process reaches social groups and individuals as their smallest unit, however the findings suggest that reaching this level of impact is harder in secessionist states and deeply divided societies. This study on Kosovo and the field work's inquiry on transitional justice reaching people offer a look on the socio-psychological dimensions of secessionism through armed activism and how the state structures may steer away from what the literature teaches about closing such violent chapters of the past for and because of a series of factors like corruption, weak structures, lack of political class or instrumentalisation of past events.

Aim of This Study

For the future of Kosovo's people, it is important that conditions change in order to enable the establishment of a state with one political, social, economic, legal and educational system (Bar Tal, 2000, p. 355). This requires the construction of a new system which is based on peaceful, cooperative and trustful relations (Bar Tal, 2000, p. 356). Reconciliation

as a form of post-conflict intervention focuses precisely on changing the relationship between rival groups in this way.

So my main research question is to address how Kosovo conducted the reconciliation process up to this point in terms of state and individual level, while focusing on the ethnic groups, considering the intergroup element central to this thesis. It is followed by the aim of understanding whether the steps in the reconciliation route have contributed to the improvement of the social and political situation in the country. Lastly, it looks at what can be learned from these experiences for future work on the field.

This study brings a two layered analysis on the post-conflict status. Firstly, it offers a descriptive analysis on the state-engineered transitional policies and reconciliatory measures, with a focus on the policies directly concerning and addressing the people of Kosovo. Secondly, it tries to bring an oral account of the response and effect such measures have garnered throughout the population, in an attempt to touch upon the feelings, mindset and conscience of the people.

Considering the emotive side of the topic, this work unfolds through asking several questions trying to address the main question of the public perception on the post-conflict measures and its effect on ethnically divided groups' relations. The questions this study aims to answer are: What has the Kosovar state officially done to deal with the post-conflict requirements put by international institutions, how do the citizens address the post-conflict reconciliation process, what are the stories and approach the people offer, what can be learned from the efforts for reconciliation in Kosovo and lastly what recommendations can be made for further progress of reconciliation.

Importance of This Study

An important motivation for this study is the fact that Kosovo deeply lacks of academic data and corpus. This leaves the study of important events to investigators who in more cases than not, lack linguistic and local contextual knowledge. They are heavily distrusted by the population because of the sensitivity of the issue and their identities. This means that there might be partial outcomes in terms of representability and reliability. Foreign researchers also tend to focus on more 'mediatized' events and territories in Kosovo such as

the North. This means that while they opt for the analysis of a particular case, the latter being an outlier would offer a result that might be not as representative of the countrywide situation. I encounter these issues several times during the literature review of this thesis and would thus present this thesis as an attempt at a modest contribution to the solution of these issues.²

In terms of what this study brings in practice, it is that it offers a new analysis of transitional justice and reconciliatory policies in a fragile case such as Kosovo, drawing on their limitations and scope. It brings a psychological and sociological approach to a political process. Kosovo is located in a heavily conflicted geographical region, surrounded by countries still in difficult terms and struggling to improve their economic, political and social conditions while heavily affecting all the region. For this reason, understanding the direct relation of post-conflict state policies and civil reaction would help in setting a precedent and example for future projects in the area. Lastly, it aims to show that dealing with such complex sociopolitical processes on part of any state apparatus requires knowledge on an array of disciplines such as social psychology, anthropology, law and history rather than just a strong political mindset.

Outline of This Study

The study is based on the reconciliation literature omitting the purely political discourses around the topic such as peace-building or international law. The methodology of the study divides into a descriptive analysis of the country-wide reconciliation process then of the selected cases of Peje and Gjakove, selected by the investigator as a most similar case design. It presents results from a fieldwork conducted in the selected municipalities with semi-structured interviews to elucidate the perception of the population and whether the reconciliation process or the attempts to it have any effect on intergroup perceptions and relations.

² (Clark J. , 2014) Kosovo's Gordian knot: the contested north and the search for a solution.; (Burema, 2012) Reconciliation in Kosovo: A few steps taken, a long road ahead.; (Yannis, 2009) The politics and geopolitics of the status of Kosovo: the circle is never round. Southeast European and Black Sea Studies, 9(1-2), 161-170.

The first chapter concentrates on literature on reconciliation, what defines it and its importance, and a wide discussion of intergroup perceptions, relations and its fragility as relevant concepts in the second half. The second chapter discusses the methodology followed for this study and its limitations. The third chapter focuses on the discussion of the transitional justice measures and reconciliation process in Kosovo as it sheds light to agreements, new institutions as part of the reconciliation process. The fourth and last chapter discusses the common themes, patterns found in the fieldwork in Peje and Gjakove, as it offers the observations from the fieldwork carried by the investigator and implications from these observations and how they may translate into a wider panorama by joining these findings with the data brought by the analysis from the third chapter.

1. DEFINING CONFLICT AND INTERGROUP RELATIONS, AN OVERVIEW ON THE EXISTING LITERATURE

As Kosovo enters its 9th year of independence and the 18th of peace since the official end of the war in 2000, consequences of the bloody conflict are still present in the life of the government, the civil society and the ordinary people. Despite multiple international and national attempts to come to terms with the issues arisen since years ago concerning the political agenda and the everyday life, those issues are still aflame and continue to perplex not only policy makers but academicians and civil workers alike. The core of the problem, as we assess from a deeper analysis of the historical background of the conflict, lies in the fact that, considering the conflict's majorly ethnic and subtly religious nature, these particular divergences stand intact in the society as of today.

What history has taught us so far is that people need assistance in order for them to learn how to live peacefully and in mutual respect (Stephan, 2001, p. 2). This seemingly simple statement is more complex at a second look and it comes as a result of years of tragic experience on the shoulders of human race. People have not been able to co-exist, they have fought for clashing interests, they have lost or won and they have had to come to terms with the results of their behavior for the good or the bad. The aftermath of such episodes has left space for the birth or the development of new relations, ones that base their structure on mutual forgiveness, trust and hope for the future. The real question is how

to move to mutual forgiveness, build the needed trust and construct a vision of a better future in a peaceful togetherness?

As previous examples like South Africa, Rwanda or Northern Ireland demonstrate, settling conflicting interests is not enough to guarantee a stable end to a conflict. In order to achieve a stable closure to a conflict “one must deal directly and openly with the past of pain and loss that created emotional and perceptual barriers of victimhood, guilt, distrust and fear” (Barkan, 2001) quoted by (Nadler, Malloy, & Fisher, 2008, p. 5). For these reasons, the look into exiting literature that I conducted expands on two pillars: transitional justice and intergroup relations. The model I base the literature review on is that brought by Parmentier (2003): the TARR model. It establishes 4 elements with which post-conflict measures are expected to deal with: Truth establishing (acknowledging the past), Accountability of the crimes (accountability for the past), Reparation for victims (acknowledging the past), and Reconciliation of the actors (Parmentier, 2003). The first three elements focus on justice and fall under the transitional justice aspect of the model. The last one focuses on healing the wounds of the past and building a peaceful future, which in principle are factors that focus on the actor’s actions and perceptions towards each other, for this reason it is dealt with in a separate part that focuses on intergroup relations.

What brings post-conflict measures and intergroup relations as disciplines together in this study are firstly, the fact that the conflict at hand, the Kosovo War, is conducted on ethnic lines, meaning clearly identifiable group patterns. There are two clear actors, Albanians and Serbs, divided on ethnic lines, with observable identity-derived divergences. This in turn means that for every policy following this conflict and for every attempt at reconciliation and peaceful coexistence in the country, there should be an understanding of the major groups in Kosovo, Albanians and Serbs, and the connotations that come with intergroup relations. In other terms, to deal with the post-conflict period in Kosovo, one needs to understand the conflict itself. To do that, we need to understand the patterns in which it surfaced and peaked. When we understand the patterns of the pre, during and post conflict we need to build policies that deal with what we found was the diagnosis of the issue. If the war in Kosovo happened on intergroup lines, in order to understand the conflict and its following resolution and reconciliation process, we still need to understand the ties and the effects of the two groups precisely on intergroup relations. The second reason that justifies

choosing these two pillars is that after conducting the primary literature review, I sought to bring a new approach to the reconciliation process in Kosovo.

In order to set a blueprint for understanding reconciliation, and the most important factors in its constitution that are relevant for Kosovo's case too, the first part of the literature review of this thesis discusses how the transitional justice discourse and its discussion of acknowledgment and accountability for the conflictual past in a post-conflict society relate to the case of Kosovo. The second part of this look on the relevant literature focuses on the discussion of intergroup relations with an eye on the Albanian-Serb intergroup plan in Kosovo, and what are the important factors of post-conflict reconciliation that directly effect this intergroup equation. In order to do this, this part of the chapter combines the core elements of reconciliation with what would be important and effective in the shaping and changing of intergroup relations.

1.1. Transitional Justice

The typical political argument would claim that clashing interests bring conflicts as groups fighting for the same resources in zero-sum games naturally 'fight' for those resources with other actors. Human nature and the instrumentalisation along divergences between groups on the hand of power holders make for strong pushes towards radicalization and hostility (Anderson, 2006). When those differences are based on racial, ethnic, national, religious or other collective-trait lines the conflicts that arise are much more difficult to settle and solve. Societies seem to not be able to overcome differences and ill memories of each other that may have happened a long time ago or may even be made up (Bar Tal, 2007, p. 7). A possible approach to this might be the one deeming it impossible for two former conflicting actors to co-exist peacefully in the future considering the memory of war, the security dilemma being always present and the following discrimination or ill-treatment of the losers. Yet that has not always been the case. There have been ethnically driven or tribal wars all over the world but the sides have been able to overcome differences and set their differences in more political and diplomatic channels than those of direct fight. This change

of behavior teaches that people can shift their perception of the other and can learn to coexist if aided by policies directly targeting these divergences.

Scholars and experts claim that violent conflicts have distinct components that during the conflict can become independent (Tajfel & Turner, 1979) and “contribute to the escalation or continuation of violence even after the initial cause has become irrelevant” (Deutsch, 1973 as cited in; Hewstone M. e., 2008, p. 200). That is why the official settlement of a violent conflict is just the initial step toward peace. One of the elements for a thorough process of reconciliation and a long-term resolution to conflicts is addressing the past violence in judicial terms. Transitional justice is defined as “judicial and non-judicial measures implemented in order to redress legacies of human rights abuses, such measures include criminal prosecutions, truth commissions, reparations programs, and various kinds of institutional reforms” (ICTJ).³

All policy choices of post-conflict measures regarding justice involve answers to two key questions: whether to remember or forgive the abuses and whether or not to impose sanctions on the individuals who are (co-)responsible for these abuses (Huyse, 1995, p. 2). So the two most important aspects of the way we deal with what happened in a conflict are in turn acknowledgment and accountability (Huyse, 1995, p. 2).

1.1.1. Accountability or Criminal Prosecution

There are two ways to pursue accountability of what happened in the conflictual past and they differ in levels of strength. The first one stands for an outright criminal prosecution of the perpetrators and the second lustration, or “disqualification of the former elites, of the agents of the secret police and their informers, of civil servants” (Huyse, 1995, p. 4).

i) Prosecution & Lustration

Prosecution and lustration as cited above are both ways to pursue a process of accountability by holding to the laws and conducting legally binding measures. From now on this paper refers to both as criminal prosecution.

³ <https://www.ictj.org/about/transitional-justice> (2018)

Criminal prosecution may vary from a process including just political elites and staff to a wider one which would be inclusive of rebels, civilians and external actors. The reality that transitional governments face the issue of undertaking prosecution against leaders of the old regime or their state apparatus regarding past crimes preserves the questionability of prosecution as a whole. Scholars argue that “the prosecution of figures of the past is the best way to draw the line between the old and the new (Kritz, 1995, p. 21)” and that it helps create the legitimacy of the new authorities and differentiate between them and the old regime while leading the way for the creation of the ‘new’.

Mary Albon writes that in the transitional period following a violent conflict there is a high likelihood of prosecution process because a) the crimes committed in such conflicts are worse in the eyes of all parties and b) because such conflicts bring a sudden shift and not a gradual transition, thus the drive parties have for ‘setting things straight’ is more vivid (1992, p. 46). Another factor which is often positively related to a prosecution process is that of economic conditions: if a country is economically in transition, a total break with the past elites and perpetrators would fix the responsibilities and accelerate the process (Albon, 1992, p. 46). A valid example of this would be the ex-communist countries where trials against the past, economically oppressing elite accelerated the process of re-division of property and the passage to market economy after the economic reforms (Albon, 1992, p. 47).

Scholars and expert advocates of prosecution have two main arguments in their defense. Firstly, they claim “punishing the perpetrators of the old regime advances the cause of building or reconstructing a morally just order” (Kritz, 1995, p. 339). The supporters of prosecution argue that there is a moral need for ‘justice to be done’. They argue that the regime following the one during the conflict has the ethical and moral obligation to work on the improvement of the situation of the victims, be it economic, political or social (Huyse, 2013, p. 9).

The second reason is that it is argued that prosecutions seem a strong form of support towards democratic rule (Kritz, 1995, p. 27). There is the belief that for democracy to be legitimate in the eyes of the people whatever past crime there is it must be “investigated and punished, there can be no real growth of trust, no “implanting” of democratic norms in

the society at large, and therefore no genuine consolidation of democracy” (Whitehead, 1996, p. 84). Still, the ghosts of the past cannot be chased endlessly. The people and the government handling the justice process has to let go at a point. To elaborate on how prosecution pushes towards a morally and legally righteous order and how it affects the attempts for democracy, it is helpful to see what the literature and precedent cases show as its pros and cons.

Prosecution, as a “sort of ritual cleansing process, paves the way for a moral and political renaissance” (Kritz, 1995, p. 339). A symbolic example of this process can be seen in the typical attempts of destroying the symbols and the monuments of the past in countries that have just started a recovery process from a conflict or a painful past, like the destruction of dictators’ statues in former communist dictatorships. So the argument builds on the idea that just like the monuments are disturbing for the people who have suffered the consequences of the old conflict thus demolishing them would serve to calm the tensioned waters, punishing and expelling the perpetrators of past crimes would succeed in doing the same but on a bigger scale. Prosecution thus, is seen as the definite the solution to an injury, cutting a limb that is poisoned to help the whole body recover.

What could be said about prosecution in political terms is that the adjudication and punishment of the fanatics and members of past systems would help consolidate the current governmental power (Reychler & Paffenholz, 2001, p. 324). Novel and inexperienced governments are be granted a shield against the old order and are provided a real opportunity for growth. A reluctance in adjudicating past atrocities may cause a loss of trust and legitimacy that the government owns, in the eyes of its people (Huyse, 1995, p. 57).

Another important factor that lends the need for criminal prosecution conducted by superior and legitimate bodies is that if the prosecution is not undertaken in governmental ways, the need to have justice encourages individuals to seek alternative ways to achieve it. As a consequence, there comes a threat of “vigilante justice with hasty executions or “wild” screening of political personnel, where journalists and judges may be instigated as well” (Huyse, 1995, p. 56).

However, prosecution might face different issues too. The first and most concerning issue is that of jurisdiction. If the crimes that undergo prosecution regard solely the past, then

who are the people that are going to be prosecuted? Should it be just the political elite or their assistants too? What kinds of act should be prosecuted? Should it be just for the violations of human rights or should it extend to corruption, economic mismanagement or discrimination on economic terms? There are no clear answers to these questions and that is the problem at the core. There is no magical measure of who to prosecute and for what to prosecute (Benomar, 1993).

All the people that have been working in the preceding administration may look like criminals in the eyes of the victims of that regime. However, two issues arise regarding their adjudication. Firstly what they did may have not been a crime at the time the action was committed. Legally this would translate into not being held accountable for those actions. For instance, if they were to be considered traitors in the previous regime in case they did not abide to order and requests of their positions or put more simply: if they were soldiers or policemen that were to abide to the orders from above, would they be held accountable for the crimes they were ordered to commit? Secondly if the regime was long lasting and totalitarian there is a possibility that people did not know that their actions would be considered crimes or they did not know of better alternatives (Offe, 1992, p. 202). Both these issues can compromise the process.

If all the people in question regarding purely political actions like ideologies, were to be tried not only would the process be costly, considering it would leave the country without the class of people who were most probably trained and educated to have jobs in the field with their knowledge and experience to run state affairs, but it would also affect the society as people would look to each other in distrust and hold the same approach towards each other they have had in the past (Albon, 1992, p. 46). Thus it just turn into an extension of the way relations between these groups were in the past.

Another counter argument on how prosecution would affect new democracies and the rebuilding or newly-building relations between groups suggests that what a democracy needs least is unending trials showing lackluster performances and the bleeding system to potential attackers. This may aggravate the situation as it may show an open opportunity to groups who still think they have a chance to power. Prosecution is seen as “...necessary to

assert the supremacy of democratic values and norms and to encourage the public to believe in them” (Huntington, 1995, p. 213).

The chief arguments of those who oppose prosecutions in regard to the relation between democracy and rule of law are that firstly prosecutions are futile because evil people will always do evil things, thus they are unpredictable and no solution can be definitive and, secondly, that prosecutions can damage more than help a novel, fragile democracy that is just inheriting a chaotic setting. Trials after such social traumas are generally just show trials and that they don’t fit the idea of democracy but they rather are manifestations of the victor’s justice. The claims are that maybe it is better to leave everything behind and not talk about it, even if people may not be able to forget what happened, silence may lessen the pain (Kritz, 1995).

Kosovo’s yet to establish structures that aim to deal only with war crimes committed in its territory. Its being a new state on one hand would require for the state to cut all ties with the past and move forward, and on the other would mean that this process could potentially be too complex and destructive for the institutions. Even though it has been aided by international bodies in order to continue on this track, the reluctance of punishing the political class heavily linked to punishable activity during the conflict, the lack of proper structures in terms of law and enforcement, and the volatile ethnic situation in the region have contributed to the stagnant state of this aspect of transitional justice in Kosovo.

1.1.2. Acknowledgment of the past

There are three levels of institutional change that deal with the acknowledgement of the past:

i) Amnesty

By definition amnesty “means that the punishability of certain acts is removed; amnesty thus abrogates crime and punishment; it can be used to foreclose prosecutions, but also to cancel the sanctions that have already been imposed” (Huyse, 1995, p. 57). Amnesty can vary in coverage in terms of acts and in terms of perpetrators. It can be a pardoning of the

crimes that have been committed during the conflict in totality or partially. Also, it may be pardoning of the ‘loser’ side or a general amnesty that covers whatever event took place during the conflict.

Amnesty relates to both accountability and acknowledging of the past, however the difference stands in the fact that acknowledgment deals with the past by bringing it to light and starting a process of forgiving. Amnesty is the way to deal with the events of the past by forgiving them, an act that might be a self-pardoning or a deal in negotiations. This process is more legal than social that is why, despite it being verbally and *in-principis* an antonym to prosecution, it is possible to discuss it as a non-adjudicating measure too.

ii) Truth Commissions

Acknowledging the past comes through different dimensions: truth seeking, compensation, and rehabilitation. As psychology teaches, societies, like individuals, need to deal with their past in order to build a future (Flournoy & Pan, 2002, p. 111). Past traumas that are not dealt with and are covered in order to get forgotten do not improve the situation of the one who suffered the trauma, they just leave it dormant until a next explosion, or they just condition its whole life, making the construction of a better future very difficult on their part (Flournoy & Pan, 2002, p. 111). The reconciliation process requires both parties to listen to each other, forgive each other and work for a mutually beneficial and peaceful future (Davies & Kaufman, 2002, p. 162). Truth seeking is what is defined as amnesty but not amnesia. This is what makes the core of the so-called truth commissions because it focuses on researching what happened and attempting to write an ‘objective’ narrative of the past.

The first goal of truth commissions is to investigate the truth of the past and not to hold trials. It makes sure that the collective memory has them engraved and that all the sides to a story matter (Reychler & Paffenholz, 2001, p. 323). The important aspect of exploring the past is that general knowledge of what happened is not enough and is not deemed as such in most of the post-conflict cases. An official recognition of the damage is needed for both the sides to settle. As Nagel (1994) quoted by Huyse (1995, p. 52) explains “It’s what happens and can only happen to knowledge when it becomes officially sanctioned, when it is made part of the public cognitive scene”.

What are the pros and the cons of going with the route of acknowledgment rather than that of accountability? In all cases of transition, history has been controversial. Even if the past power-holder may be ousted people with their mindset will still be existing, they still will have their old defenders which will deny the evil acts they are accused of and will try to claim that the acts were perpetrated by others. Giving an, as far as it is possible, unbiased account of the events and acknowledging what happened is as important as holding fair trials. As J. Zalaquett (1990) quoted by Huyse argues: "...leaders should never forget that the lack of political pressure to put these issues on the agenda does not mean that they are not boiling underground, waiting to erupt" (Huyse, 1995, p. 56).

As much as truth acknowledgement in forms of truth commissions brings back the memory of war and help to keep it relevant, it is possible for people to live that experience as a second trauma (Hayner, 2001, p. 19). Continuously reminding individuals of the traumas they went through would inevitably push towards a re-activation of the sense of revenge (Bar Tal, 2007, p. 1441). Psychologists argue that "such 'cleansing' experiences are not to be conducted unless in strictly controlled mediums because they can affect the victims for the worse" (Hayner, 2001, p. 165).

So, the key work in the process of acknowledging the truth would be reinterpretation. People should not be left with memories of war which constantly remind them they were weak, discriminated or abused, as in a one-frame image but rather they should be reminded of the dynamics of the conflict as a whole. The roles of victim and perpetrators should not be re-assigned to the survivors of a conflict yet they should be not regarded as faceless sufferers of the past but they should be still given the possibility to forgive, if they want so, to not talk about it again, and to start fresh. The reality of the past cannot be changed but the meaning given to it and the perception people who went through it "can be altered by gathering and introducing credible account of the events" (Sverrisson, 2006, p. 9). This is often left out in the mayhem of trying to remember everything and forcing people to do so even though no proof has ever been given of remembering equaling healing (Mendeloff, 2004, p. 359).

This process gives the people the possibility to 'try on' the role they had reserved for the other. It makes both sides perpetrators, showing them the crimes both sides committed and

it puts them both in the role of the victim too as it shows the crimes committed against them. This reinterpretation can help people break ties with their bias and the memories that still hold power onto them.

iii) Reparation

Compensation is a middle route between accountability and acknowledgment. Vogelmann (1993) claims that compensation by the state is a way of acknowledging the past mistakes. It does not bring back the dead, the tortured, mutilated and raped people, it does not pay for their sufferings and acknowledging this is also important. What compensation stands for is that “for the families of victims and survivors, such accounting serves as immediate public recognition of their pain and trauma” (Vogelmann, 1993, p. 16) . The most widespread method of reparation and also the most concrete one is that of monetary compensation. Although in most cases a large amount of money to each affected individual is nearly impossible, as Vogelmann says, “it is still important to provide financial compensation in other forms --such as free or subsidized medical and psychological treatment, reduced interests on loans for education, home building and the establishment of new businesses” (1993, p. 16). He advocates for the eternalization of the past in the society in the shape of institutions. Together with the activities of support groups, these “...provide a channel for the non-violent expression of pain, frustration and anger...” (Vogelmann, 1993, p. 16).

Departing political legacies leave the country economically ruined with the population on both sides to suffer. The poverty, corruption and economic distress after conflicts can cause additional harm in the long run. For this reason a properly run process of compensation and restitution is needed. What it does is that firstly it enables the victims of the past to manage the material aspects of their loss, it means there is an acknowledgment of the pain the people were inflicted in the process and lastly it may stop future crimes by imposing a financial cost to such crimes to those in power. As it is elaborated further in this thesis, reparation shows willingness to recognize the past and that of building a different future together.

In conclusion transitional justice should involve policies that contribute in these directions: The truth must be known. It must be complete, official and public. It should cover all the human right abuses on every side. The way to do that may vary and that is dependent on the

case. The need for the truth is the first step towards reconciliation. The policy should represent the will of the people on all sides. That is why the population has to be informed regarding each and every step of the policies following conflicts. Scholars argue that even if a societal level of forgiving or at least forgetting can be present, individuals still need justice because their trauma is not the same with the social trauma (Pejic, 2001).

The policy must not violate international law related to human rights. It is important that each policy is made known to the public and is done for preventing any further damages to the people therefore it is supposed to be in line with the international law and customs. Still the policy makers have to make sure that it fits the rule and regulations of the international community especially when most transitional legal measures are taken under the scrutiny of international actors.

It should include reparative measures. Past suffering and pain cannot be easily compensated neither can it be brought back yet the reparative measures aim not at the past but at the future. They should be full and effective in helping the victims deal with the new difficulties arising after the conflicts.

The preventive measures should be given priority while it should include punishment and clemency. Even though most scholars regard the South African case as a successful case of Truth and Reconciliation measures it may be not so, just telling the truth without doing much about it does nothing but will worsen the injuries of the victim (Hayner, 2001; Bar Tal, 2007). The balance between the three is the most important aspect that may move the process forward and towards the reconciliation period. The penalties and the amnesties should be taken while considering the context of the conflict, the conditions in which it rose and the prospects for the future.

If we look at Kosovo's case we see that there is no structure from the past. The secessionist character of the conflict means that during the aftermath, there has to be a complete construction and reconstruction of state structures needing to deal with accountability and acknowledgment of what happened. This brings a need for both because while trialing the central figures of the committed crimes among Albanians and Serbs, the destruction of the past power equation means that it becomes more difficult to reach for those who worked under orders. It becomes difficult for Kosovo to reach the ex-commanders as the conflict

ended with two states rather than one unified structure with a far-reaching jurisdiction. It also means that for these processes to be carried and to affect the populations which look at both the governments rather than only Kosovo, the one they're directly tied to, both states have to undergo changes and to carry out reforms.

Furthermore, as the power went from Serbs to Albanians, it means that the latter do not have the sufficient experience and knowledge of governmental actions. This means that they might be even more lacking in some policies and reforms but might not be doing such in a voluntary way. Cooperation and the exchange of past and future knowledge through channels like truth commissions and education reforms is of vital need. The descriptive analysis of this study, in Chapter III focuses on these aspects that define transitional justice, in Kosovo.

1.2. Intergroup Reconciliation

What we see up to this point boils down to the idea that in order to settle a conflict for a long-term solution, different sets of measures need to be taken even after the conflict has been formally settled by truces or agreements. The reason for this is that the fragile post-conflict peace may be threatened by unresolved past issues or emerging ones. As in Kosovo's case, even if the conflict ended in 2000, the status of the parties emerging from it took nearly a decade to settle. A settlement took place in 2008 with the approval of the Ahtisaari plan yet long-term processes need to address what is going on within the country in terms of past wounds and future plans.

All these sets of measures mean to deal with this post-conflict period concern different types of conflict, the intergroup, intragroup or international ones. Given that this thesis is going to focus on an inter-group level, the discussion to proceed concerns exactly what these measures mean to intergroup conflicts, how they affect them and what are the expected outcomes once they are implemented. In short, what would such measures concretely mean for the society that went through conflict?

As Tajfel and Turner in their revolutionary work claim, violent intergroup conflicts have distinct psychological elements that can affect the conflict as a whole and move it post its initial axis (1979). To promote peace and prevent the reigniting of violence, the parties have to engage in a psychological process that requires change in people's well-embedded beliefs and their perception and feelings of the outgroup, their ingroup and the relation between the two (Bar Tal, 2000, p. 354). This part follows the last R of the TARR model cited above, reconciliation and what Nadler & Schnabel (2008) works teach as the elements of importance in inter-group reconciliation. It is important to note that the term is also used for the process as a whole, in order to not create any confusion.

The stepping stones of such a process are investigating when and how intergroup contact results in improved intergroup relations, how then can people move from hostile views, discrimination, racism and other negative outgroup bias to more positive stands and approaches? In order for us to answer this question, first we have to define the factors, part of this process that we are going to analyze.

1.2.1. Social Identity

How do we define a group in a society? How do we divide people in different groups? How do we know what people in a group think of the other? Social psychology has tried to answer these questions. Researchers such as Tajfel, Allport and Sherif have been the pioneers in the fields of social identity and intergroup relations. The definition and sculpting of groups within a society most certainly derives from how the individuals feel about it. So it is not us as observers who can decide which part of the society is a group and which part of it is the other (Sherif, 1966, p. 2) as we have seen many issues have historically risen from the categorization into groups of a certain population by outer actors (i.e the division of borders in Africa by European countries). To avoid miss-categorization, social psychologists have come to the agreement that individuals are the ones to fit themselves into such labels (Sherif, 1966, p. 7). Sherif argues that any unit of people poor or rich, small or large, powerful or ordinary has some sense of common struggle (1966, p. 2). The important feature that characterizes self-identity though is the fact that the sense of

identity is not innate. It emerges and reshapes itself when people are shaping that unit. Therefore there is a two-way effect between individuals and group: individuals shape the group identity with their individual traits while the group identity shapes the individuals with the collective characteristics it has borrowed from them (Sherif, 1966). At minimum, a group has been defined as “two or more persons who are in some way socially or psychologically interdependent: for the satisfaction of needs, attainment of goals or consensual validation of attitudes and values. It is considered that such interdependence leads to cooperative social interaction, communication, mutual attraction and influence between individuals” (Turner, 1999, p. 6). They construct identities which may be internally exclusive such as religion or race but may not be thoroughly so when they are ‘products’ of mixtures such as children of multiracial couples.

How does social psychology define social identity? Tajfel argues that social identity is “the part of individuals’ self-concept which derives from their knowledge of their membership of a social group (or groups) together with the value and emotional significance attached to that membership” (1981, p. 255). Social identity as stated is a feature that affects one’s actions and puts them in a similar channel with the group. Sherif argues that: “Whenever individuals belonging to one group interact, collectively or individually with another group or its members in terms of their group identifications we have an instance of intergroup behavior” (1966, p. 12). By this definition, what are regarded as intergroup relations then, are the collective or individual relations constructed between individuals belonging to one group and the members of the other group. If we base our understanding of the actions between groups on these givens we can claim that what we see as relations between groups is the relation between people themselves blurred by a veil of collectivism and average reaction within the group itself rather than some abstract term lifted from reality that defines a non-living entity. Consequently this means that if two groups are deemed to be hostile towards each other, this hostility does not happen out of some unexplainable phenomenon, it is simply an elongation of the emotions and rationale within the groups’ units: the individuals.

This brings us to the main point of this research: if we need to affect the intergroup relations, we need to affect the individuals’ emotions, beliefs and behavior. As Kelman argues (1988, p. 16), this happens on a trifold system of relations, that of common interests,

of shared roles and the last that of internalized identities and values. So this social identity provides the context for understanding how ingroup favoritism, or seeing the others whom one associates with under a more positive light, can influence the development of negative perceptions of others to the point of dehumanization of outgroup members. Negative perceptions and emotions associated with dehumanization of the outgroup are likely to be quite strong if members of the ingroup have been on the receiving end of oppression and mass trauma. All the individuals in a group are affected by each other and the group umbrella in a symbiotic relationship.

Sherif again argues that “All human groupings generate goals that are revealed through the strivings of their identified members. Their scope and character are affected by the organizational structure of the grouping, its political orientation, and its human, material and technological resources” (Sherif, 1966, p. 3). The problems that arise from such identifications are that the division of people into groups makes them more biased against the outer group which may result in negative perceptions and attitudes towards them. This negativity expresses itself in behavioral models such as bias, prejudice and discrimination.

According to Oskamp (2000, p. 3) intergroup prejudice and discrimination factors can be divided into four levels:

“Genetic and evolutionary, societal, organizational such as laws, norms and regulations that maintain the power of dominant groups over subordinate ones, mechanisms of social influence operating in group and interpersonal interactions: influence from mass media, educational system and the structure and functioning of work organizations and personal differences in susceptibility to prejudiced attitudes and behaviors and in acceptance of specific intergroup attitudes.”

This thesis takes into account the last three factors: those that can be changed and affected by the actions of the outer group directly or indirectly. This is in result of the view Sherif offers claiming that the real or imagined relations between groups are dependent on each group's compatibility or incompatibility between its goals and the design of other people meaning that as a group moves towards its goals, the moves are accompanied by cooperativeness or jealousy, mutual support or resentment, liking or disliking, compromise or opposition to the other depending on the outer group's stand on their achievements (Sherif, 1966, p. 3).

The two main premises of social identity are that, one, individuals organize their understandings of objects, events and people on the basis of categorical distinctions. This categorization has a tendency to increase perceived similarities among in-category members and emphasize on the differences between the categories. Secondly this categorization in groups leads to a ‘we-they’ distinction with increased attraction and positive bias towards the ingroup and increasing distrust, stereotyping and negative bias towards the outgroup (Gaertner & Dovidio, 2005, p. 238; Tajfel & Turner, 1979).

Individuals have the tendency to be ethnically centered and in accordance, the starting point for intergroup discrimination, prejudice and distrust is “a cognitive representation of a social situation in which a particular categorical distinction is highly salient” (Gaertner & Dovidio, 2014, p. 257). The salience of group differences can create distrust that may seed and sustain bias. The keywords in this process are prejudice, discrimination, distrust and hate. If these are the conditions a society may be found in before a conflict, what would be the situation after a violent streak of events that has increased animosity, hate, distrust and vengeful feelings between groups? What can be done for cases when groups’ hostility towards each other has increased to boiling points and have caused conflicts? Can their relation be mended or at least improved?

Individuals over-estimate ingroup positivity while focusing on the negative perceptions of the outgroup. When paired with a recent conflict this cognitive process brings out hate, prejudice, discrimination and distrust towards the outer group. That is why the whole goal of a reconciliation process at various levels is to turn these phenomena into positively charged ones. What reconciliation promotes is intergroup forgiveness and a re-evaluation of the past against built-up hate, building trust against distrust, contact and empathy against prejudice and stereotyping, and lastly respect against discrimination. Achieving this though is the hardest part of the post-conflict policies yet it is vital.

The reason why establishing the relationship between individual and group, or putting identity as a factor is because while the perfect solution would be to address the past on individual level justice or treatment, oftentimes it is not only technically impossible but it also doesn’t allow for more. That comes because of the reasons explained above, if the events are channeled in group terms then dealing with them should come in the same way

and also because it is important to establish the relationship between individual and group for us to further the study on their relations.

1.2.2. Empathy/Respect

One of the major blocks of constructing better intergroup relations is the destruction of stereotypes and prejudice. Others tend to be seen as deficient in moral virtue, dishonest, unfriendly or warlike. They are seen as different, the ‘abnormal’ ones, the problematic ones, the inhumane and selfish party (Janoff Bulman & Werther, 2008, p. 155). They are distrusted in a perceptual distortion that does not seek for evidence, it exists and it reinforces itself as new events just add to the existent prejudice. The party sees itself as morally right in its actions while the others are hostile, aggressive and immoral (Janoff Bulman & Werther, 2008, p. 155). A process of disrespecting and dehumanizing the other is carried on before, during and after the conflict by the members of the group. In these conditions a conflict becomes a war between the good and the evil. This moves the theme of a conflict from specific to a very general one which distances itself from the actors; it becomes unreachable to the direct actors (Janoff Bulman & Werther, 2008, p. 156). It also attributes to a spiral of conflict as it feeds the cycle of “I’m fighting my enemy because they are evil” beliefs which would make one perceive them as more evil at the end of the conflict and call for a repetition of the event. Whatever intervention is planned to deal with this issue should focus on reducing perceived threats and anxiety, promote empathy perspective taking and respect. While reducing the perceived threat helps the groups in feeling more secure, a direct effect on the security issue, the main interest pushing individuals towards conflicts, empathy and respect would facilitate and promote reconciliation as they would show a group the other group’s perspective (Janoff Bulman & Werther, 2008, p. 159).

Allport’s contact theory (1979) later developed by Pettigrew & Tropp elaborates on this front offering a possibility to overcome prejudice and discrimination. He claims that “under suitable conditions direct interpersonal contact is one of the most effective ways to reduce prejudice between majority and minority group members” (as cited in Pettigrew & Tropp, 2006, p. 755). Consequently, if a person has the opportunity to see the competing narrative

and view, discrimination and stereotyping tend to diminish (Whitley & Kite, 2009, p. 21). The conditions that Allport (1979) claims as necessary for the social contact to result in positive changes are: equal status at the time of the interaction, existence of common goals, the need for intergroup cooperation and the support of authorities (as cited in Whitley & Kite, 2009, p. 29). What the process described in the first part of this chapter aims to achieve is securing these conditions.

The contact should encourage friendly, helpful, egalitarian attitudes and condemn ingroup-outgroup comparisons. This is however unthinkable in a conflictual environment where state and structural discrimination most probably were the push toward the conflict to begin with. In dealing with inter-state relations Fearon argues that sides of an interaction are not sure of each other and do not trust each other because there is misinformation and security concerns (1995) This can be applied to individual or group level relations too. People are sure of their own intentions and actions but not about the others'. Even small mistakes in sending the message may bring opposite results. In a medium where trust, communication and empathy is missing, expecting actors to interact in safe terms would be too much. Thus Allport's theory is not enough to deal with prejudice and stereotyping yet it is at least a start. To be more effective it should be paired with communication on equal pre-contact conditions.

The strategies that could achieve this would be intergroup dialogue, workshops and truth commissions. These would provide people examples of 'good behaviour' from the outgroup members as individuals from different groups would be put on the same team to work together and this 'retribution' of roles would serve as a process of re-categorization from different, potentially competing groups to one group (Gaertner & Dovidio, 2014, p. 25) (Gaertner, Dovidio, Anastasio, Bachman, & Rust, 1993, p. 7).

1.2.3. Trust

Hewstone (2004) emphasizes trust as one of the stepping blocks in the reconciliation process. He claims that as long periods of fighting generate hate between groups and make it impossible for trust to exist between them (Hewstone, et al., 2004, p. 211). Trust is deemed by psychology as a positive bias that tends to leave a sense of vulnerability

perceived (Yamagishi & Yamagishi, 1994 as quoted in; Hewstone, et al., 2004, p. 211). As defined by the outgroup bias mentioned above, people deem the outgroup automatically as less trustworthy than ingroups. It is easy to comprehend how this makes for an important issue in the process of improving relations after conflicts. Higher levels of forgiveness could potentially lead to higher levels of trust which in turn would reduce defensiveness and competition over victimhood (Noor, et al., 2008, p. 108).

What would be the right techniques to build trust in terms of transitional justice? Firstly it is vital that the willingness is mutual and not a further extension of power. Meaning that, if the past equation of strong actor-weak actor is duplicated in the post-conflict process, it only further deepens the divergences rather than establishing an equal ground for the building of improved relations. Perspective talking would be one of the ways to assure a process of rebuilding trust. It would require for all sides to leave their settled positions in the conflict and be ready to look at events from the others' point of view, both the perpetrator and victim's position. Looking back to the conflict literature on how to educate about peace⁴, this translates into a working truth commission. It is important to establish the relation between the two because it allows us to understand how such a structure causes practical change.

Another way would be compensation. This again is one of the parts of post-conflict measures. Compensation would serve as a proof of the willingness of an actor towards the process (Lewicki & Tomlinson, 2003, p. 3). It shows the level of commitment and seriousness of an actor and shows the other side a readiness to acknowledge the past wrongs. It helps the victim because even though monetary sums cannot change the crimes, they can help individuals build better futures, help them get medical treatment or help their families, thus achieve a sense of justice to a certain point. It also helps the other side because it allows a channel to express the will to make things better and a chance to channel the past collective guilt. These are both important elements in intragroup psychology.

⁴ (Hayner, *Unspeakable truths, Facing the challenge of truth commissions*, 2002); (Bar Tal & Bennink, *The nature of reconciliation as an outcome and as a process. From conflict resolution to reconciliation.*, 2004)

Apologizing is another way of acknowledging the fault committed in the past which would symbolically mean the actor is ready to improve the damaged relationship. This in turn is a positive factor that affects trust building because as Kelman argues it enables the actors to develop new attitudes integrating them into their own identities (1988, p. 25).

1.2.4. Intergroup Forgiveness

One of the vital parts of conducting a reconciliation process is to show all the sides of a conflict, in this case all groups, that violence does not serve them in the long run (Noor, et al., 2008). The process is meant to “bring a change in attitudes, emotions and motivations in the major part of the groups” (Bar Tal, Sociopsychological Foundations of Intractable Conflict, 2007, p. 1435). The major issues to be dealt with regarding past violence then are victimization, justification of violence and forgiveness.

The importance of encouraging intergroup forgiveness stands in the fact that it is the only way to assure transformative reconciliation which means that it would push people into accepting compensation for past crimes, even if technically they are not equally important to someone, and it would also quip these groups to approach future conflicts with less violent strategies (Noor, et al., 2008, p. 99). People thus have to shift in mind and heart in order for them to improve the situation they are found in.

What are the post-conflict policies that facilitate forgiveness? The answer to this question would depend on what actually prevents people from forgiving the others. Firstly it would be the presence of a painful past. Humans do not let go of their negative memories especially when they have to coexist with whom they believe inflicted that pain. Secondly, the blurred lines between victim and perpetrator and the tendency to focus more on the loss the group had rather than the one it inflicted, the so called competitive victimhood. Lastly it would be the lack of a single, agreed upon narrative of the events of the past.

Intergroup forgiveness is defined as a process that involves the decision to learn new aspects about the ingroup and the outgroup and to try to explore the medium in the eyes of the outgroup with the intention to find closure of what happened in the past and developing a more peaceful vision about the future (Noor, et al., 2008, p. 101). This process would normally be informed and influenced by the willingness of other ingroup members, which

is the reason post-conflict reconciliatory measures detach from individual level and focus more on the groups.

The appropriate policies to achieve forgiveness then would firstly be setting a common narrative of the events in the past which can be achieved with truth commissions and prosecutions. Competitive victimhood on the other hand can be addressed with direct inter-group talks, meetings on one hand and setting memory sites on the other. This way both sides would get the chance to see the opposite side's suffering while owning the right to demonstrate theirs too. Northern Ireland with the 'talk-aboutry' processes, where parties get the opportunity to face each other in equal terms, offers a great example of this approach to forgiveness (Noor, et al., 2008, p. 105).

Concluding Remarks

The reason this thesis focuses on these elements for intergroup reconciliation revolve around two factors: the first is that they offer an axis of factors that change positively, simulating the structural changes of the post-conflict period. Each of them bring important elements that the first part of this literature review considers important. For this reason, they are subsequently important to assess in the study of Kosovo's case. The second factor is that even though each conflict is different, they retain their similarities. If we can find similarities in the dynamics of the conflicts in South Africa, Palestine, Northern Ireland with that in Kosovo, then a consideration of what scholars have seen important in those case in our case might help too.

Kosovo is a new state, which means they are establishing new identities or reshaping them in accordance to the changing medium. The creation or the strengthening of these identities among the two major ethnic groups of Albanians and Serbs requires the mending of their relations in terms of trust and forgiveness the most. The current situation is that of broken ties and groups living in seclusion of each other. This is felt throughout the country and it is felt in the public life of Kosovo too. Theoretically, the measures dealing with justice and reconciliation in the country, like the establishment of courts, constitutional change, social

activities and steps towards bringing these groups together are expected to have improved the relations between them. The following chapters try to shed light on this.

2. METHODOLOGY

2.1. Scope of the Research

This study aims to shed light to the question of how Kosovo has conducted the reconciliation process up to this point in terms of state level and intergroup level with a further look of how the latter reflects individual change too . The research works on a two layered analysis on the post-conflict status that aims to answer two major questions: What has been done within the post conflict spectrum of activities? What is the perception or approach towards the conflict, the outgroup, and the reconciliation process per se among the population in light of the process so far? Firstly it offers a descriptive analysis on the state-engineered transitional policies and reconciliatory measures, with a focus on the policies directly concerning and addressing the people of Kosovo. Secondly it works towards bringing an oral account of the response and effect such measures have garnered throughout the population, in an attempt to touch upon the national feelings, mindset and conscience of the people themselves.

The research's independent variable is the *reconciliation process* which as defined here is: *a very complex, multilayered process whose purpose and hoped result is shifting from a violent, hostile past to a commonly built and improved future* (Davies & Kaufman, 2002, p. 162). *Its most important aspect is that it stands for a long term improvement of relations and not an immediate solution.* The elements of the reconciliation process expand in three

sets, the first is the settlement of the conflict; the second set is that of transitional justice: adjudication, truth telling, reparation, the third set deals with the process of rebuilding the relationships between the actors: apology- forgiveness, education reform, building trust (Nadler & Schnabel, 2008).

My dependent variable is *positive impact in intergroup relations* which I operationalize as follows: changes among individual adults towards the acceptance of the new reality in which different ethnic groups live together in equal conditions. The elements that are used to measure the change are borrowed from Kelman's model of intergroup reconciliation and Nadler & Shnabel's idea of socioemotional reconciliation: identity (any change between the old and new), responsibility or guilt share, empathy for the outgroup, trust towards the outgroup and forgiveness of the outgroup. By looking at these elements, this study is expected to measure the change in attitude of the groups (Albanians & Serbs) towards each other in this post-conflict society. These elements are chosen because, as the literature suggests and as has been explained before in this thesis, they are targeted by the post-conflict measures we tried to look into and because they are positioned in an axis of change that shows the society moving from the settlement to the reconciliation.

This research therefore implements a macro and micro levels of analysis. Thus, the complexity of the research requires observing the following unit of analysis: at the macro level, legal, and governmental structures and at micro level: individual adults. The macro level analysis is conducted on the basis of the previous chapter which encapsulated the legal, political, structural steps towards reconciliation as a process. This part only discusses whether it has or has not addressed intergroup clashes and how that ties to the societal level change.

2.2. Research Design

2.2.1. Type of Research & Criteria

The present research implements a case study methodology. More concretely this study is a Type 2 multiple-case (embedded) design. The main reasoning behind the research is the

interest in Kosovo as a post-conflict society with internal and external attempts and strategies towards reconciliation and a peaceful coexistence. But this research, to understand Kosovo as a whole, focuses on two most similar cases within it to conduct the inductions: Peje/Pec and Gjakove/Dakovica.

Firstly, the reason for choosing to study Kosovo as a case stems from my background ties to it and the desire to understand the case. Considering my political background the interest in Kosovo was furthered by the potential it presents as a similar case to other post-conflict societies and the lacking that the current body of work presented, mentioned above. Identity based territorial issues showcased in Kosovo are present in the Palestinian conflict too, as mentioned by Nadler, Malloy and Fisher (2008). Its interethnic conflict characteristics are found in Bosnia too, a similar case within the same region. Its post-secession ethnic conflict characteristics can be found in the Kurdish case too, even though Kosovo has finalized a settlement, similar patterns present. For this reason, this case presents the potential of contribution in both theoretical knowledge and understanding of different practical measures.

Kosovo thus presents itself as case of these important characteristics:

- A post-conflict society whose main clash was over territory and identity based divergences.
- A case that present interventions focusing on structural reforms that aim at building a national identity under which ethnic differences can be overcome and a peaceful coexisting future. This is the emphasis of the founding block of Kosovo as an independent state, the Ahtisaari plan that stands for the creation of a self-governing democratic entity with the focus on multiculturalism & the protection of minorities.

Considering the resource and time limitations, in order to understand if or how the structures and the intergroup relations across Kosovo I chose two smaller units of analysis to focus the study on. I chose Gjakove and Peje as a representative sample with useful variation on the dimensions of theoretical interest of this study. The criteria engaged in this selection was characteristics that would have a role in shaping intergroup relation and the perceptions each side have of each other. The elements are under consideration of the

literature on ethnic conflict (Gellner, 2008) and that of social psychology (Pettigrew, 1998) as a reflection of the characteristics of the case and the focus of the study.

The first factor taken in consideration is the ethnic composition of the cases. In order to look at a case that would not be an outlier in a distribution graphic, I saw it rational to choose two cases that would share the general demographic lines of Kosovo countrywide. It is important to choose a case that presents noticeable presence of both groups because as the social contact theory mentioned in the literature part of this thesis claims, positive social contact might have an effect on the way groups perceive and act towards each other. Both Peje and Gjakove as communes present the same characteristics with Kosovo on the country-level in terms of ethnic composition, they're both Albanian majority entities with an average presence of Serb minority. The percentage of Serb minority in Kosovo is around 1,5 % per the 2011 census⁵, however it was boycotted by a part of the Serb population which means it might be a misrepresented number. It is also a number that reflects the striking majority living in the north, areas which are under special administration units tied to Serbia. This means that in the general distribution in Kosovo the rate is lower. Gjakove and Peje as the most recently reported both have around 300-400 reported ethnic Serbs under their administrations (ASK, 2012)⁶. The second factor is their geographical location. As the conditions in Kosovo stand, the North is still a debated issue. The status of Mitrovica as the border between Kosovo and Serbia makes for the commune to be an extreme case compared to the rest of the country. For this reason I opted for two southwestern communes. The third factor taken into consideration is the level for involvement during the fights in 1999. The level of violence expressed in systematic violence, number of casualties and displaced was chosen as the parameter of this factor. Both Peje and Gjakove exhibit a high level of violence during the conflict, both were targets of systematic rape, killings and ethnic cleansing. Peje had a population of around 180 000 habitants, of which 85% Albanian and 15% Serb. The casualties (manually gathered from the reports of the massacres and systematic killings in the city and the bordering villages) amounts to 1300 – 1500 victims, there are reports of mass rape and the police, paramilitary and military

⁵ Index Mundi (2018) www.indexmundi.com/Kosovo/

⁶ ASK's results of the 2011 census conducted in Kosovo accessed in 2018 <http://ask.rks-gov.net/>

expelled around 90% of the population (Human Rights Watch, 2001)⁷ (Humanitarian Law Center, 2018). Gjakove had a population of 131 000 habitants, of which 93% Albanian and 7% Serb. The casualties amount to 1500 – 2000 victims with reports of mass rape and executions. The amount of the displaced in the commune is up to 75% (Human Rights Watch, 2001; Humanitarian Law Center, 2018)⁸. Additionally both cases had involvement of the local population in both sides (Human Rights Watch, 2001).

The factor that would make for the difference between the communes is their absorption or involvement of their structures in post-conflict policies. This was conducted after the descriptive analysis on Kosovo and how it has scored in post-conflict measures. Looking at how the central government's attempts at such policies spread among the communes, and on how the communes scored brought Peje and Gjakove as the best choices for such an analysis. While they presented similar patterns in the other factors, they differed in the level they had absorbed and dealt with post-conflict measures, Peje had scored comparatively better in it.

Thus the choice of Peje and Gjakove is a non-random case selection done in order to observe the possible effect of reconciliatory measures in a post-conflict society when variables present themselves constant in a most-similar cases pattern, after selecting them from the pool of Kosovo's communes for their representability and relativity in understanding the bigger picture of country-wide situation in Kosovo.

The followed sampling method for semi-structures interviews was that of a snowball technique for both cities. Three individuals from which the sample started were selected, to have the possibility to reach the young, middle aged and elderly. Both ethnic groups of interest, Albanians and Serbs, and both genders were represented in the starting point to try to reach a more diverse sample. Although this method jeopardizes the representability factor the sample has for the overall population, I tried to reach more throughout the proposed interviewees. This method was also employed because considering the sensitivity of the topic at hand, it would be difficult to randomly find people in a different country and

⁷ UNHCR, Human Rights Watch and OSCE reports remain the base of the official number of victims in the Kosovo war. The numbers may alter because of the practice of re-opening graves, destroying IDs or burning bodies that took place during the conflict.

⁸ http://www.hlc-rdc.org/db/kkp_en/index.html

ask them about their painful past. An amount of trust was needed for the conducting the interviews.

2.2.2. Methodology of Data Collection

The data for the descriptive analysis of post-conflict measures in Kosovo was conducted in the span of a year under the consideration of the extensive literature review done beforehand. It involves the data collectible of the case up until 2017. The data from the interviews was collected in November 2017. For these reasons, they might not be reflective of the most recent developments in the country however, the time span of the study allows to look into conflict, pre-independence and a nearly decade long post-independence period which are sufficient to assess transitional justice and reconciliation in the country.

The analysis conducted in this thesis is two-levelled: descriptive for Kosovo on country-level and qualitative for the interviews conducted in Peje and Gjakove. For this reason the data collection was different. The data are collected through the use of the following: 1) semi – structured interviews 2) discourse analysis.

The data from the interviews is collected and analyzed based on notes taken during the interviews as interviewees were strictly against getting recorded. As there were directive questions before hand, the important declarations that revolved around the five factors sought in the interview were noted. The interviews were conducted in mother tongue for the Albanian interviewees and in English or Serbian/English translation for Serbian interviewees. While I am aware that this brings an unequal dimension in the understanding of content and the feelings expressed, I tried to access people as much as possible.

My collection of secondary data relies on the systematization of information provided by: official data from state sources like UNHCR, HRW or OSCE and Kosovar central and local governmental structures.

2.2.3. Methodology of Case Analysis

In order to answer my research question, the relationship between post-conflict measures and successful conflict transformation, the following systematic steps has been performed:

The analysis started with the conceptualization of reconciliatory measures, a concept that was developed and borrowed mainly from Bar-Tal, intergroup relations, as explored by Sharif & Pettigrew and the concepts of identity, conflict and transitional justice.

Consequently, Kosovo's case is analyzed by the following steps:

1. Analyze the changes occurred in governmental structures
2. Observe of the relationship between transitional justice and the social transformation reaching intergroup relations through discussion of the interviews.

Burton (1969) claims that in contrast to the negotiation of a political settlement, a process of conflict resolution goes beyond a realist view of national interests. It dives into what causes the conflict and lies at the root of the issue, especially focusing on the needs for identity, security, recognition, autonomy, and justice exposed to the threat of more powerful actors. As Kelman argues "the process and outcome of negotiations must be consistent with the requirement for ultimate reconciliation" (1998, p. 37) which would translate into a need for peace settlement, engraved into the local and historical context of the case itself.

For this reason, in order to better understand whether there is an actual resolution and reconciliation process in Kosovo rather than the simple settlement, the parameters chosen for the study are there to offer a view on how the perception, behavior and approach is expected to change in such a deep process rather than the mere structural changes that were described above.

As Nadler, Malloy and Fisher (2008) write in length, this goes from the study of identity and the association with it, to how it affects the distribution of guilt and the living of shame and blame, to establishing 'alternative' truths and acknowledge them in the road towards putting the self in the others' shoes or simply empathy, to then forgiving with the help or not of reparations and cultural and structural changes and lastly moving towards a peaceful

coexistence. So the last chapter that focuses on the interviews that were conducted, deals with the attempt to understand the mindset, perception and behavior of the ethnic groups in Kosovo and how they fit in this axis of change from conflict to resolution.

2.3. Limitations of the Methodology

The followed method is one of strictly psychological and conflict policies discussion. It does not in any way conduct purely political or economic analysis, thus it may be that the results found by the interviews are not reflective of the theories regarding economic transformation or political reforms after a conflict. It being a descriptive analysis followed by open-ended interviews, analyzed in terms of themes and commonalities means that the understanding of the same material by different people may be differing thus open to discussion. The study's qualitative focus was vital, considering the objective to reach the actual beliefs and perceptions of the Kosovo population, however it leaves the research open to discussion on the sample choice and its representativeness. The sampling method might have led to reaching a sample of similar subjects that might have affected the overall results of this study. The type of topic the interviews treat makes it difficult for random sampling to be carried out. This is because it requires an area of familiarity or some type of facilitating to be able to direct such sensitive and to a degree retrospectively intrusive questions. This would be solved with study replications with other samples.

The choice of Peje and Gjakove for the interviews was done to increase the representativeness of the sample however it is expected that it might not be such of the cases of Mitrovica as the divided northern commune or of the Serb majority special administrative entities part of the Community of Serb Municipalities. This limits the results to the remaining territory of Kosovo.

My background and knowledge of the case and having lived in the area yet with a sufficient distance to not be directly affected by it might be helping the understanding of the case better than in cases where this prior experience is not present. Yet, this leaves my study subject to prior bias. However, the expectation I had for the results of the study were different from the results that I collected, this might help clear the doubts of how my prior bias might have had affected the way in which I observed the case.

3. RECONCILIATION, A LONG ROAD AHEAD

The reconciliation process is based on establishing mechanisms that would prove effective in long term and would provide the subject groups peaceful dialogue and provide the actors the opportunity to build trust. This thesis focuses on the relations between communities, how Albanians and Serbs of Kosovo deal with the aftermath of the conflict and the knot that was created with the declaration of independence so it is important to address the process by its effects on the community, the people of Kosovo.

In order to take the long journey of the reconciliation process and produce positive results among the affected, there are certain conditions that ought to be placed and that would include a backward-looking element – including agreements on basic truths, reparations and the exercise of some form of transitional justice, or “dealing with the past”, as well as a forward-looking element – the changing of relationships towards the building of a sense of trust between communities, including a basic agreement on the norms and values by which the state should operate as thoroughly discussed in the literature chapter of this thesis. We look at these one by one.

3.1. Social and Political Background Of the Kosovo War and the Following Reconciliatory Measures

In order to depict a clearer image of the situation in Kosovo, one needs to shed light to the conditions that led the country to the armed conflict in 1999, especially the social ones considering the nature of this study. This chapter takes the focus lens back in time in order

to take a look at how the conflict was built up, how the events up to Kosovo's independence unfolded and what has been done ever since, all this under the light of the literature discussed in the previous chapter. The chapter is thus divided in three parts developing each of these sub-topics.

3.1.1. Post-Imperialist Nuances, Nationalism, Political Instrumentalism

Since its inclusion in 1913 Kosovo was nothing more than a little province inside Serbia, one of the republics that was a member of the Federal Republic of Yugoslavia. The situation though was not seen as pleasant by any of the sides. As the wide range of literature on the topic argues, this stems from two factors: pre-existing nationalist discourse, earlier present in the region and fueled by post-imperial narratives of the Ottoman period and a politically instrumentalized and inflamed socio-economic inequality. These facts, coupled with ambitions of the Serbian political class, were going to spark civil clashes and later drive the area into a full-fledged war. This part of the chapter is going to dive deeper into both these factors, trying to shed light on what lines the two groups saw each other as different and as of clashing interests, ultimately seeking solution in annihilating the other side. I deem this analysis a good foundation of a possible and plausible argument on the reasons that drove the groups into war, and that keep affecting them to this day because if we are able to understand where the root of the conflict lies, what were the lines in which it developed and how the actors perceived each other, this would help in the understanding of the current situation and how they have reflected in the group relations of Albanians and Serbs in Kosovo.

Today's Kosovo is a small country of a nearly 10.887 km², with a population of about 2 million, 92% of which are ethnic Albanians, 1,5% Serbs, and the other 3% is distributed among Bosnians, Turks and RAE community (Roma, Askali, Egyptian) (IndexMundi, 2018)⁹. However, its small size has undergone a turbulent history under different emperors starting from Roman, Byzantine, Bulgarian, Serb, and up to the Ottoman Empire. Despite this seemingly homogenous amalgam of people, Kosovo has always been at unrest as a

⁹ https://www.indexmundi.com/kosovo/demographics_profile.html (2018)

result of its position in two nationalist narratives that while different in names and attributes, both focus their claims and mythical past on the area. Even though a merely primordial approach towards interethnic relations would be wrong and overly simplistic, considering the nature of this study that focuses on perceptions, feelings and human emotions under social identity considerations, the basis of primordial ethnic approach, it is an aspect that we ought to include.

Kosovo has always had a crucial role for the competing narratives of Albanian and Serb nationalism. Backed by strong lobbying and powerful state agendas with sometimes 'proxy' interests by Albania and Serbia, the nationalist discourse over Kosovo has turned into a self-sufficient fight, still ongoing. As Peral writes there are two important competing nationalist projects on the history and claims over Kosovo: "One project recalls for Kosovo as Serbian territory, 'Greater Serbia project', and the other brings upon an Albanian option to Kosovo territory which at times can be considered as 'Greater Albanian project' and in other periods as a project of Kosovo's self-determination from Serbia implying, mostly, Albanian population" (Peral, 2008, p. 41). Both projects are based in competing arguments over key elements of Kosovo such as: origin of its population, the Kosovo Battle, the religious-cultural legacy, and the legal frameworks that have been implemented in Kosovo, especially since 1974 Yugoslav Constitution onwards.

Albanian claims base on the mostly glorified and heavily influenced by the bolshevism of the communist regime history that sees Albanians' origin from the Illyrian civilization, as an indigenous people to the territory, belonging to the tribe of Dardans (Malcolm, 1998). While Serbian perspective evokes the great migrations of Slavs into the territory in 7th century A.C, and its ruling during the 12th and 13th century as Serbian Kingdom (Bieber & Daskalovski, 2003). Therefore, while Kosovo Albanians and the wider Albanian narrative on which it backs on, judge Serbs as occupiers, Serbs accuse them as falsifiers of history and heavily doubt the reliability of the ties between the modern Albanian population and that of Illyrians (Waller, Drezov, & Gökay, 2001).

The Illyrian descendance theory finds support in many of the early nationalist writers of the Albanian renaissance, noticeably that of Pashko Vasa and the Frasheri Brothers. Identification, as who were the Albanians at the end of nineteenth century, is offered by

Pashko Vasa in —The truth on Albania and Albanians (Vasa, 1879) claiming all the inhabitants of the later called regions of-Shkoder, Janina, Monastir and Kosovo. From an Albanian perspective, Kosovo signifies the main and last fight of Albanians for the recovery of the ancient land of the Dardania and thus a re-creation of their ancient kingdom. In this sense, the origin of Kosovo issue goes back to the London Conference of 1913 when Albania was recognized as national state. However, Serbia, Montenegro and Greece were granted half of its territories as Serbia was allowed to keep possession of Kosovo which it had occupied during the Balkan Wars. Kosovo then started to represent the victimization of Albanian people by its neighbors, especially Serbia/Yugoslavia, for Albanians, as it embraces the feelings of protecting part of their “stolen land”. In addition, the never-ending lobbying and supportive attitude that the state of Albania offered to the Albanians in Kosovo and the technical support right before the war in 1999 bear testimony to how important Kosovo is for the Albanian identity and Albanian nationalist discourse. Even the Kosovo Liberation Army was led by Albanian officers and the weapons heavily and illegally sneaked from the Albanian border.

From the Serbian perspective however, the history is quite different. By origin, Serbs belong to Slav ethnicity. After about a century they settled the area and self-named as Croats and Serbs joined by Christianity as a common feature besides ethnicity. Serbia continued to expand until it gained a medieval reputation by the hand of King Stephen Dusan. The area of his empire included Macedonia, Northern Greece, Montenegro, almost all Albania (Cox, 2002, p. 21). Serbian dominions were not integrated however, and the dynasty kept the existing order in the territories conquered in order to legitimize its role, so in fact these Byzantine territories were never part of Serbia as Dusan and the successive historical consciousness of Serbia claimed they were. Anzulovic (1999, p. 79) affirms that “[t]here was no Serbian state at all, and the principal mark of Serbian national identity was membership in the Serbian Orthodox Church”. Since 1557, Serbian Orthodox Church was the only Serbian institution authorized by the Ottoman Porte. It was then when the Serbian patriarchate of Pec (nowadays Kosovo, Peje) was established embracing all territories from Slovakia to the Adriatic in same *millet* (Banac, 1988, p. 134). Nonetheless, this institution did not mean territorial and political control, which contradicts the current claims of the Serb state.

The Kosovo battle constitutes the boiling point for these two narratives. The nationalist Serbian discourse made of this battle a strong component of the Serbian national identity. However, this battle included not only Serbs but also Albanians, Vlachs, and Bulgarians in a common cause as a “Christian coalition” against the Ottomans. Slobodan Milošević exploited this myth in his political statement to the Serbs in Kosovo in 1989 or even in 1996 he remarked, “Every nation has its one love that warms its heart. For Serbia it is Kosovo.” (Carmichael, 2003, p. 63). For the Albanians on the other hand, this battle is a sign of the state promoted nationalist view of the resistance of the Albanians against the Ottoman enemy. Thus, it constitutes a stone in the foundations of the testimony of the Albanian identity since the middle ages. The Kosovo Battle is thus, a myth that has defined both national identities of Serbian and Albanian populations in Kosovo.

The other aspect of this problem is that the political class, majorly on the Serbian side, considering that Albanian side lacked structures, fed, incited and instrumentalized these clashing narratives for their own ambitions and interests, turning differences and myths into structural discrimination and violence. The idea of Great Serbia was present since early periods and it was continuous. In this sense, it is possible to argue that the national self-definition of Serbia has been always related to its governing of other territories, the claims of which were sometimes based on myths. As documented, among the known and shocking expansionists plans, there is the one of Vasa Cubrilovic. He presented to the royal government his first memorandum called “The Expulsion of the Arnauts”, on the 17th of March of 1937. In such a document Cubrilovic expressly declared the need for the expulsion of the Albanian community, of colonizing Albanians by expelling them out of their territories or burning down Albanian villages (Cubrilovic, 1937)¹⁰. In the same way, Ivo Andric (Nobel laureate of literature of 1961) presented a project to the Minister of Foreign Affairs of Yugoslavia in 1939 in which he proposes the occupation of Albanian territories, with special reference to the deportation and assimilation of the ethnic Albanians in Kosovo. The presence of such documents testifies the claim that beyond simple militarist strategies and aims, Kosovo was in the center of much deeper social, cultural and political claims on part of the Serbian nationalist ideology.

¹⁰ (Kosovo Information Center, 1993) Serbia Colonization and Ethnic Cleansing: Documents and Evidence

On the other side, the Albanian identity and 'claims' had found support and acknowledgement within the Ottoman Empire for a longer period. The Treaty of San Stefano, as a result of the Russo-Turkish war of 1877-1878, conferred Albania territories to Bulgaria, Montenegro and Serbia, and particularly the Kosovo territory to Serbia (Gawrich, 2006, pp. 38-46). The Albanian (from Kosovo and Albania) tribal leaders and local figures gathered in response to this decision creating the League of Prizren which would be the first acknowledged institution of the Albanian population. Despite failing to address the objectives of unification, it succeeded in planting the bases and the forces of the Albanianism. The League of Prizren can be considered as the first articulation of a united Albania idea. In this view of a unified Great Albania project, Kosovo was considered therefore, a key element not only for hosting the League of Prizren but also for expressing the defense of what Albanians considered their own and unfairly divided territory.

Albanian nationalism had the objective of mobilizing their people in the same emotional imprint that religion in the Ottoman Empire was able to offer. As Jelavich & Jelavich (1977) argue, Albanian nationalists needed to replace religion as a grouping category because Albania contained three different religions – Muslim, Catholic and Orthodox – therefore, they sought another element that would unify these differences created since the conquest of Albanian land by the Ottomans. The element to do this would be language, thus creating a wide opening for the presence of Kosovo in the general Albanian nationalist discourse.

Keeping these factors under consideration, it is possible that this balance of powers inherited by the continuous invasions of the area might have affected the way these groups see and perceive themselves and each other. As the most similar case in terms of post-colonialist territory – identity ties that of Palestine as Kelman explains (1998, p. 25) teaches that the ties to the land, legitimacy and being on the right side are factors that affect a group's idea of what's just and what's theirs. If both see themselves as legitimate it means the problems lies deeper, in their identity, in their self-assessed roles which need to be addressed by a proper reconciliatory process.

3.1.2. Political Background

Besides this historical analysis of the nationalist dimension before the Kosovo conflict, translating it into actual political actions and events and tracing its effects on the political elite is a more effective way of studying the divergences between the parties and the resulting clash. It is important to see the actor's political status before the conflict as it gives a sight of how the relationship between the groups themselves changed in accordance to the political developments, like the different status within Yugoslav borders, the development of the actors that would 'represent' each side further on and how the situation spiraled into an armed conflict.

Kosovo and Serbia have both been federal units of former Yugoslavia together with other six units. According to the constitution of 1974, each federal unit had autonomous status and none could interfere in the constitutional order of the other. However, because Kosovo and Vojvodina had been linked to Serbia as autonomous provinces, Serbia attempted to use this mandate to overturn the federal status of Kosovo in 1989, following the disintegration of Former Yugoslavia, aiming to prevent Kosovo from exercising the right to self-determination after the collapse of the former federal state. The public claims for such a move had historical bases as discussed above, though the undertone claims Kosovar Albanians not seldom cite rest on the motives of having control over Kosovo territory as a rich land in mineral resources.

Serbia annulled the right to self-determination of Kosovo in 1989 and derogated the Constitution of Socialist Autonomous Province of Kosovo. By this procedure, Serbia instituted her own rule, thus, committing an unconstitutional act before the Constitution of Socialist Federal Republic of Yugoslavia. The SFRY granted almost equal rights to republics (Serbia) and Autonomous Provinces (Vojvodina and Kosovo). According to the SFRY constitution, both provinces were part of Serbia, however, they both enjoyed special considerations which granted them a high level of autonomy over their territory and the veto power at the federal decision-making level.

In response to Serbian intervention, Albanians reacted by declaring independence. The demands for independence of Kosovo by its people were based in the rights they enjoyed

since their self- determination was recognized by SRFY constitution of 1974 and therefore expressed in the Kosovo constitution of 1974. The legitimacy of their self-determination is based on three major arguments: 1) equality with the other Republics of SRFY, therefore with Serbia 2) Independence in decision making processes 3) Territorial Integrity.

One of the debates around the legitimacy of Kosovo's independence while referring to the SRFY constitution is the equality between republics and autonomous provinces of Former Yugoslavia. The republics and autonomous provinces are equal at federal level as they all have a status of the federal units of former Yugoslavia with equal powers. In this sense, if republics and autonomous provinces are equal under the rule of law, both have same right of independence, as it was experienced by Croatia, Slovenia, Macedonia and Bosnia & Herzegovina. Accordingly, Albanians have been considered a nationality and not a nation in the former Yugoslavia in spite of the fact that they were the third largest nation after Serbs and Croats. However, the 1974 constitution also specified that nations and nationalities were equal. This legal contradiction allowed Serbia and Kosovo to claim their constitutional rights in the way it suited them most.

The disintegration of former Yugoslavia was supposed to allow its eight federal units to decide their future by themselves. However, Serbia impeded Kosovo to take such an option and by violating the Constitution of former Yugoslavia (1974) which reads that one federal unit could not revoke the status of another federal unit. In 1987 Slobodan Milosevic, appealing to Serbian national sentiment, committed itself to reasserting Serbian control over Kosovo. This goal was followed by forceful and unilateral changes in the constitution of Kosovo in March 1989 despite the opposition from Albanians of Kosovo. On 26 February, as the opposition continued, the SFRY/Serbia authorities introduced the state of emergency. On 23 March 1989, the provincial assembly of Kosovo gathered and Serbia took the *de jure* control over of Kosovo's police, judiciary, domestic & foreign polices as well as the right to make future constitutional changes without the consent of the provinces leaving what had been Kosovo's autonomy now lifeless.

The peaceful resistance of people of Kosovo was led by Democratic League of Kosovo (LDK), as an active peaceful movement for freedom, independence and democracy operating in Kosovo and Diasporas during 1989-1999. The political project of LDK was to

fulfill the will of people for self-determination and an independent state of Kosovo but it was only after declarations of independence that two other now former units of SRFY, Croatia and Slovenia, had conducted the political requests from Kosovo's political elite aimed for independence, mimicking the aforementioned. Further, in October 11, 1991 it adopted the joint political declaration with all Albanian political parties in Yugoslavia to define the question of Albanians of Yugoslavia in case of disintegration of the state. So the two strategies in which they engaged in and planned were international mobilization and building of a statehood.

It is important to understand the political conditions because in this way we can understand whether each party had access to power or not, be it political or armed. We can see that there is a situation of political asymmetry in Kosovo's case which means that the groups' access to power was not the same. Albanians and Serbs did not have the same political access, making it difficult for the Albanian population to be represented in state structures. Another factor rising from this asymmetry is that the group's perception of themselves is also on the same lines. As we further see in the war period, the overwhelming difference in military power, which ironically was also a result of Kosovo's participation in strengthening Yugoslav structures, would translate not only in direct asymmetry of casualties but it also shaped how each group perceived the perpetrator or the victim.

3.1.3. The War Period

As noted, the history of conflict between the two groups dates back to the beginning of the 20th century with shifting lines between groups and shifting interests and associations along. However, the armed conflict would start by the end of 1997 to peak in 1999. It was initially an internal conflict within the borders of ex-Yugoslavia internationalized to then turn into a full-fledged international war with third parties becoming part of the fight. As literature also demonstrates, with the increasing number of actors, causalities and conflict complexity increased too (Fearon & Wendt, 2002).

The main conflicting parties of this time period are the Socialist Federal Republic of Yugoslavia and Serbia (SFRY/Serbia), the Democratic League of Kosovo (LDK) and the

Kosovo Liberation Army (KLA). These main parties are noticeably differentiated by their ethnic identities which are the result of the two competing nationalist discourses in Kosovo during the periods considered in this research. During this period, the role of Kosovo Serbs is limited; their relevance is only related to the support they offered to the actions of Serbia. Nevertheless, they are still considered as primary party as they have a direct interest in the outcome of the Kosovo conflict.

The Socialist Federal Republic of Yugoslavia and Serbia (SFRY/Serbia) were both parties in conflict, although Serbia and Milosevic were de facto the key players for this, because although Kosovo was federal part of ex-Yugoslavia and autonomous province Serbia, it was Serbia which unconstitutionally revoked the status of Kosovo. And for this and other reasons that I proceed to explain, I refer to this party only as Serbia. The conflict in Kosovo was mainly a conflict between Serbia and the Kosovo Army (KA). During the pre-conflict period or the years that sparked it 1979-1989, Serbia enjoyed the diplomatic and military advantage conferred for being the leader of SRFY and illegitimately used the Yugoslavian state potentials. SFRY weaponry used by Serbia came from contribution of all nations it fought against, including Kosovo. Among the Albanians, the two main actors of this period were the Democratic League of Kosovo and the Kosovo Liberation Army which emerged near the end of this period, in 1997.

LDK or the Democratic League of Kosovo is a civil movement formed in 1989 by a group of prominent Albanian intellectuals. Under Rugova's (future president of Kosovo) leadership, LDK aimed for freedom, independence and democracy. LDK would become extremely popular and have the chances to play a double role in Kosovo, as the movement for independence of Kosovo and as the legitimate representative of an underground Kosovar state. KLA, The Kosovo Liberation Army, was an armed group that emerged publicly in the Kosovo's conflict in a press conference in Switzerland in the summer of 1997. It was formed by Albanians in Kosovo and the diaspora. The KLA came as a reaction to the lack of results of peaceful movement of LDK, especially after the Dayton Summit did not recognize Kosovo among the affected states. Some analysts say that KLA was just a product of wartime improvisations, seizing the opportunity of weapons flow into Kosovo after the economic collapse in Albania (Waller, Drezov, & Gökay, 2001). Regardless of the veracity of such conclusion, the fact is that KLA did manage to be seen internationally as

expressing and representing the will of an ample spectrum of Kosovo Albanians. In this sense, the KLA became a double-face actor being both a key negotiator at the Rambouillet talks under Hashim Thaçi's leadership, removing practically the relevance of Rugova and the LDK peaceful movement, and a key factor for the escalation of the conflict.

By 1997 the Serbian police forces increased the hostility of their actions but in a guerrilla manner, challenging LDK's non-violence strategy, to later have it completely undone by 1998 (Bieber & Daskalovski, 2003, p. 44). As the KLA spread wider into the territory of Kosovo three major figures emerged, Zahir Pajaziti (Llap area), Adem Jashari (Prekaz) and Sali Çekaj (Deçan) creating an alarming threat for the Serbian side. In retaliation, in February-March of 1998, Serbia entered the KLA dominated city of Drenica in search of the KLA leaders. However, the Serbian side did not stop with the leaders, their actions were mostly directed to civilians. They managed to destroy the whole region of Prekaz and harm civilians living there; three villages were destroyed, 80 people were killed wiping out the whole Jashari clan, including 24 women and children (OSCE, 1999). According to Bieber & Daskalovski (2003, p. 44) these actions of Serbia transformed the KLA to a sort of 'national liberation army' in the eyes of the Albanian population and the international actors too.

Up to this date, the events taking place in Kosovo were initiated by the Serbian police and para-military but the Drenica massacre gave way to the Serbian army for it to enter the territory. While the KLA stood on the border of 20,000 guerrilla fighters, the Serbian army and police summed up to 100,000 troops. The obvious asymmetry in fighting powers would translate into a staggering difference in casualties for both sides. Kosovo would witness several mass-executions targeting children, men of fighting power and mass-rape. Following the Drenica massacre, there was the Izbica massacre in Skenderaj, where all victims were women and elderly, the Rezalle massacre again in Skenderaj, the Dubrave Confinement Institution (high security prison for politically imprisoned individuals) massacre where the Serbian party had armed the Serbian prisoners against the Albanian side, the Krushe e Madhe massacre targeting all civilians, the Rugove massacre, the Studime massacre which mounted to 140 civilian casualties and the massacre of Meje in Gjakove, which counted around 400 male victims among whom a high number of secondary school students (OSCE, 1999).

By 15th January, 1999, the escalation of the conflict reached the peak level. The Observatory Mission of OSCE would find the bodies of 45 civilians massacred in Racak (Ignatieff, 2001, p. 35) which would bring attention to the mass murders that were being committed. The territory had been abandoned by families which in some cases were directly encouraged, or forced, by the Serbian police to leave the country, in a clear attempt at ethnic cleansing and population replacement. As settlements built for only Serbian families in the southern region increased, the push towards Albanians to flee the country had reached its peak. By this date more than 800,000 Kosovo Albanians out of 1.5 million had fled to the neighboring Albania while the level of violence had reached the boiling point. The peak of the war (February 98'- May 99') accounts for 274 mass killings/massacres, in which more than 4,000 unarmed civilians have been executed while the burnings and bombings continued in full force.

In an attempt to stop the fighting, the international actors brought both sides to the table. Through the NATO push, a meeting of both the Serb and the Albanian side finally took place in Rambouillet and its second session in Paris in the period 6-23 February and 15-18 March 1999. It was the time when the crisis escalated in dramatic dimensions in Kosovo with a bloody war threatening to spillover beyond its territory, as bombings and military helicopters flew over the Albanian border cities and Kosovo Albanians had found shelter in both Albania and Macedonia. The Conference aimed at stopping the war and Serbian atrocities against the Albanians and eventually placing Kosovo under NATO protectorate. It was a proposal for the autonomy of Kosovo, for its democratic rule and for the establishment of a judicial system. It failed due to the reluctance of Milosevic to sign the agreement and Serbia's biggest ally, Russia's rejection. The rejection on Serbia's part alarmed international actors that had already been through a similar war just two years ago in Bosnia. In an attempt to stop another similar case, the international decision makers led by the UK and the US opened the door to international humanitarian intervention of NATO on 24 March 1999. After three months of war or NATO bombings against them, Serbia finally agreed to peace expressed by signing the Kumanovo agreement for the full withdrawal of the forces from Kosovo and gave support to the UN Security Council resolution 1244. Since this resolution, Kosovo was placed under a NATO and UN protectorate and was administered by UNMIK for 9 years, until 17th February 2008 when

the Kosovo assembly declared independence with the support of the United States and other Western allies.

As the conflict ended, numerous cities in Kosovo had changed in terms of demographics. The massacres carried by the Yugoslav army had decreased the number of ethnic Albanians expelled from Kosovo by Serbs, March to June 1999 reached 863,000 and the estimated number of ethnic Albanians internally displaced within Kosovo, as of mid-May 1999 hit 590,000. The ethnic Albanians remaining in southern Serbia reached 70,000 - 80,000 while the number of ethnic Serbs still in Kosovo was around 700-800 (UNHCR, 2001). These issues remain to be solved by the policies and attempts of any improvements of relations or solutions carried by both sides after the conflict.

3.2. Settlement and Institutionalization of Peace

Despite the Balkans being a troubled region with numerous bloody conflicts taking place in a short period of time, not much has been said or done in this regard in all these cases. As Todorova says, many times, the issues have been related to primordial explanations of ancient hatreds or simple grievances resulting in armed conflicts, just like the terms Balkanization which has come to be a pejorative connotation of a political process (Todorova, 1994) without considering the variety factors like distance from power, political instrumentalisation of ethnic divergences, economic disparity and structured discrimination on ethnic lines, which brought the peninsula to the events that shaped its past and are shaping its present. Simultaneously, vaguely efficient has been done in addressing the way these countries had to deal with their war injuries and to learn to coexist in peace as it's seen in Bosnia, Kosovo or special regions like Presheve and Vojvodina. Why is it important for Kosovo to do that? As the issue of reconstruction and post-conflict policies can go back to the democratic discourse, it is important to note the steps from the ceasing of fighting to the establishment of peace and its institutionalization, meaning building structures that are directly concerned with its conditions. Some argue it is a matter of "non-lethal coexistence – a negative peace characterized by the absence of violence – as sufficient" (Mendeloff, 2004, p. 365). Others claim that the establishment of deeper relations based on forgiveness

(Tutu, 1999) and mutual trust (Bar Tal & Bennink, 2004, p. 15) are requisites to post-conflict policies. To understand what route a post-conflict society is to choose, we look at how they frame their talks beforehand. When we look at the Kosovo case we see that what Kosovo and Serbia are trying to do after their violent war is to normalize life in the respective countries and deal with issues that have been left from the past (Burema, 2012, p. 8). We see this from how they are managing their political life and the post-conflict period. They are two countries that claim to be democratic and base their political existence on democratic means. This means that they are working on two levels: “a set of fair procedures for peacefully handling the issues that divide a society (the political and social structures of governance) and a set of working relationships between the groups involved” (Bloomfield, Barnes, & Huyse, 2003, p. 10). Given that the ethnic groups we are interested in are tied to these sets of behavior & policies, it is possible to see the reflection of these state policies in them. For a society that experienced conflict, going back to those issues and the relations between them is tough and requires a ‘healing’ process coined as reconciliation.

The background of this conflict shows inequality of power among Serbs and Albanians and the fact that this political inequality translated into social inequality that later gave rise to the Albanian movement. So, post-conflict state, with a new power-holder, has to show not only its legitimacy but also the ability to secede from a state and lead in democratic ways. Additionally, with torn social bonds between Serbs and Albanians, securing trust between the groups when they are still on shaky grounds after the conflict and assuring that newer sparks don’t happen and the conflict doesn’t rekindle is very important for the governments. The Albanians only look towards the Kosovo government however the Serb minority, even though in a non-equal manner, looks at both governments. For this reason, both governments should be working on what is the first step towards the settlement of a conflict: the termination of the direct fight and a mutual agreement on the basic rules within which a multiparty meeting and negotiation takes place. In the attempt to eliminate any possible future divergence over what the agreement stands for, the latter should be formalized through an officially documented conflict settlement (Burema, 2012). Kosovo lacks in this direction. The end to the armed conflict in 1999 came with NATO bombing Serbia, which in the broad plan of events might be acceptable for one party as it eliminated the danger for the Albanian side, but not for the Serbs that suffered the bombing even in

civilian numbers. The only official document following the 20 years long political struggle for the status of Kosovo, post-war is what Ahtisaari proposed in his plan.

As mentioned above, the first time the two parties sat on the table was that of the Kumanovo meeting to decide on an armistice. However, even though the Kumanovo agreement had been signed and Kosovo had been put under the UN and NATO control, the issue had not been settled. Different attempts have been undertaken with the goal of resolving the conflict between the Kosovo Serbs and Kosovo Albanians: the Airlie House Conference in July 2000, the Constitutional Framework of Kosovo in 2001 –referring to “consociational democracy” –, and the Standards before Status in April 2002, the Seven Points plan for Mitrovica in October 2002 & the Decentralization policy. None of these attempts touched upon the issue of the final status or were final, thus is not be treated in this section.

In 2004, violence restarted as a group of Serbs followed Albanian children resulting in their death. The act brought a wide wave of reactions in an already tense environment. It ended with 8 Serbs and 11 Albanians killed and thousands displaced. This served as the saturation point for the post - conflict period as it showed that a peace agreement that only settled on ending the direct fights like the Kumanovo one or bombing one party to force it to stop the advancements into the other’s territory was not enough and that there were no more chances to postpone the definition of the destiny of Kosovo. The events of March 2004 have shown that Albanians and Serbs were not eager to continue living in a limbo. In October 2005, Ahtisaari was sent as Special Envoy of UN Secretary General in order to address the final status issue for the first time since NATO intervention in 1999. Under his lead, representatives of Kosovo and Serbia negotiated in an attempt to find common ground and after 14 months of unsuccessful negotiations the process was exhausted. With this array of facts, in March of 2007, Ahtisaari proposed to the UNSC the “Comprehensive proposal for the Kosovo Status Settlement” or the “Ahtisaari Plan’, that aimed at the creation of an independent Kosovo under international supervision. At the same time, the Serbs were to be granted enhanced minority rights, including five more municipalities as well as protective zones for religious sites.

As a theoretically good step towards reconciliation, the core elements of this proposal and later the constitution, include measures to ensure the promotion and protection of the rights of communities and their members in order to build a multicultural area, very similar to the plans on Bosnia Herzegovina. The changes developed with particular focus on Kosovo Serbs, through decentralization of the administration, it provides protection of cultural and religious heritage, brings measures ensuring legal, economic and security reforms. Considering that this paper doesn't aim looking into the legal and wider constitutional frame of the reconciliation or the peace-building measures, it will not get into further detail of these changes.

Supported by an influential section of the international community like NATO members and especially the US government, Kosovo moved on to declare its independence on February 17, 2008, and after three months, adopted a Constitution, designed on the basis of Ahtisaari's plan. The Constitution follows the concept of civic state and provides for the recognition of rights of the individual, together with strong guarantees for the rights of communities and particularly the Serb community. In short, the Ahtisaari proposal aims at reconciling the differences between Kosovo Albanians and Kosovo Serbs by providing an internationally supervised independence for Kosovo, an independence that would satisfy the Albanian majority, while promising the Kosovo Serbs a safe and prosperous future within the new state. However, the major problem is that the founding document of Kosovo doesn't use explicit terms but leaves room to interpretations differing on the two sides when it was expected to settle the first issue between Serbs and Albanians. Ahtisaari never explicitly mentions Kosovo's independence, contributing into the prolongation of the uncertainty between the two parties and endangering the idea of legitimacy and trust to state in the eyes of the population.

In a clear secessionist effect the EU position focuses on "a unilateral recognition of Kosovo's declaration of independence would help to stabilize the domestic situation in Kosovo itself. It would create sovereign equality among Kosovo and Serbia, facilitating their common integration within the EU" (Coppieters, 2008, p. 99). The results though have been very different from the goals set at the beginning. Not only is there an unsolved border issue peaking sporadically in the city of Mitrovica or the adjacent region of Presheve with Albanian majority, there is also a failure in securing the rights of the new minority post-

secession. Both of these issues are serious hurdles in the road towards reconciliation because they leave territory and population out of reach for both states.

The ambiguity and the refusal of using the particular terms deciding on Kosovo status led into a verbal and legal discussion of what the document stands for, which, coupled with political instrumentalisation, falls right into the pre-existent frames of the parties. One argues that it supports “its unilateral declaration of independence of 17 February 2008”, while the other party stands for the opinion that “it reaffirms that Kosovo is an integral part of the territory of the Serbian state” (Burema, 2012, p. 9). These co-existing versions of truth have nursed the pre-existing divisions between the communities, leaving parties the choice of what to believe. This opinion tends to fall on the dividend lines in this case over the ethnic frame of the society. There are considerable regional divergences even within its small size in territory and population. While in southern Kosovar state, institutions are generally able to exercise their authority without any serious issue or outer intervention, in the North the government’s impact, role and institutions are nowhere comparable to the Serb’s, even though it is officially Kosovar territory. The Kosovar government officially, considering its independence act too, considers Kosovo as part of its territory while the Serb community, as shown by the Serb state’s lack of recognition of said independence and sovereignty, still regards Kosovo as its own territory. This is a situation that has prevailed since 1999, with both parties conducting acts that directly or indirectly brought a change in the ethnic composition of the respective areas. The large numbers of people forced to leave their homes on both sides, and the resulting resentment of these people is an additional hurdle to the reconciliation process. Although the direct fight has stopped and sporadic incidents have decreased in frequency Kosovo and Serbia are still on opposite sides regarding Mitrovica (North Kosovo) and the way they perceive the future from there is still different.

Besides the conflict settlement issues, these geographical differences translate into another issue too. The state apparatus including judiciary operates on different reaches in different regions of Kosovo. On institutional terms, the state is efficient in southern Serb-majority areas, because the geographical distance between the “mother” Serbia and the group has weakened the tie and the population there is strongly aware of the now closed cause. This awareness has increased their will and participation in peace-making and pragmatic

relations with the Kosovo institutions, as it has also increased the willingness of the Albanian governmental officials to bring changes that might be against the will of the Albanian majority. The communes of Peje and Gjakove are part of this region too. This equation has created a greater potential for reconciliation in the area. However as mentioned the degree of commitment to these institutions and state structures is poor in Mitrovica (furthest Northern point) and the Serb municipalities suggested by the Ahtisaari Plan and established and conjoined with the approval of the Kosovar government as part of the negotiations between Serbia and Kosovo.

3.3. Adjudication

The three points important in adjudication in the case of Kosovo and Serbia are: recognizing victims, punishing perpetrators, and dealing with the disappearances. What is important in the process of adjudication is that the courts should be impartial for them to be trusted by both sides and they should be recognized by the countries too, it should not be regarded as biased by them, it should have the capability of carrying on the punishing and it should have credible threat in case of non-compliance (Flournoy & Pan, 2002, p. 112; Gent, 2013).

To try to understand the picture of the situation it is important to look at the official data from the conflict and compare it with how much has been done to address it. It is to be noted that the seceding character of the conflict makes it very difficult to collect the data and to organize it. This is because firstly there are different structures to deal with, Kosovo is a new state with new institutions while the conflict happened when there weren't any. Secondly, there are still recent discoveries of mass graves, which makes the number of casualties on both parties open to further change.

The recorded data of the conflict and what it caused to Albanians and Serbs is as presented in the graphs below with the data provided by the reports of OSCE (1999) (UNHCR - OSCE, 2000-2002), HRW (2000) and Humanitarian Law Center index (2018).¹¹

¹¹ http://www.hlc-rdc.org/db/kkp_en/index.html

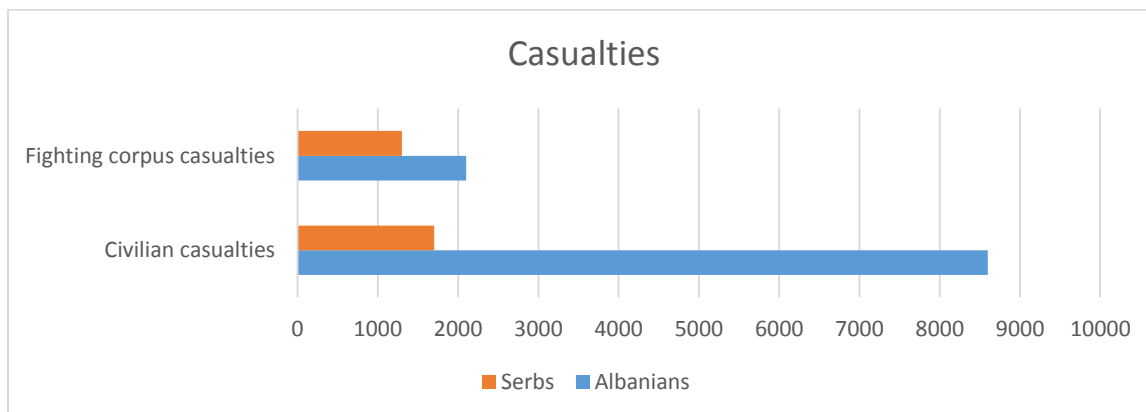


Figure 1 – Casualties During the Conflict

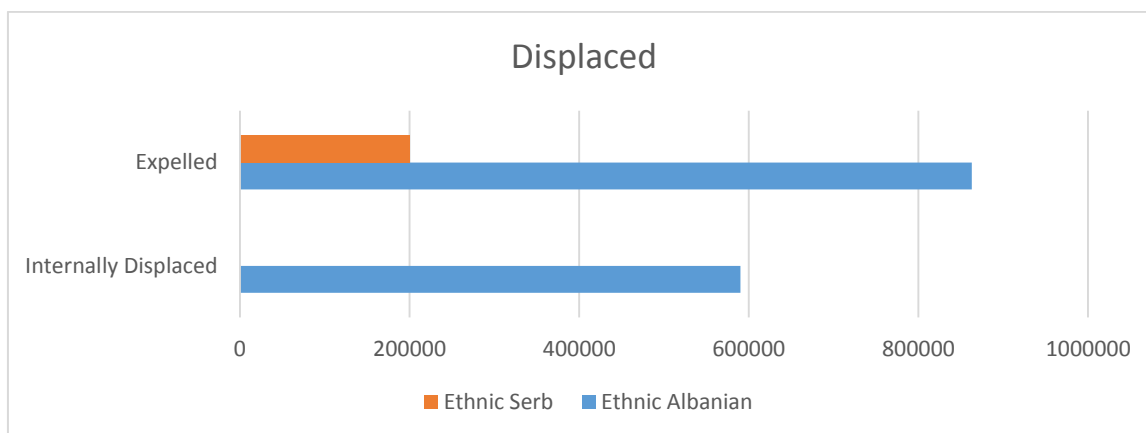
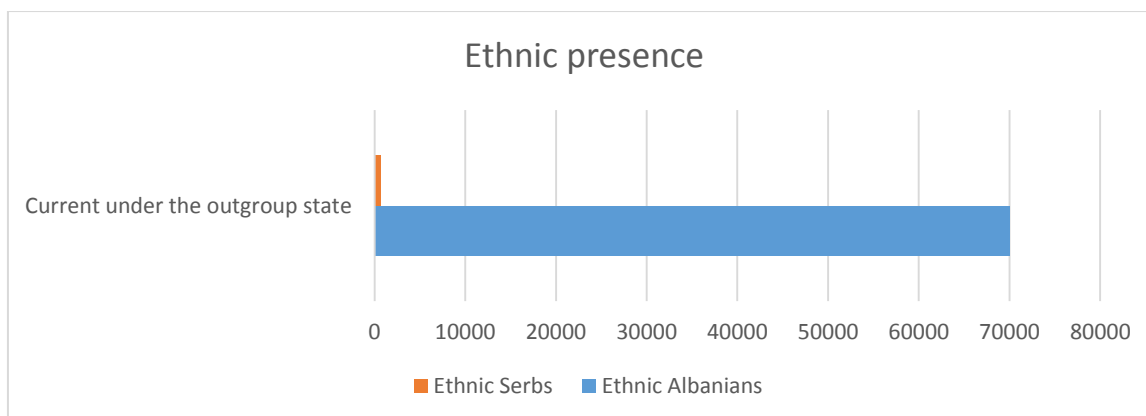


Figure 2 – Number of Displaced Persons During Conflict



12

Figure 3 – Recorded Presence Under the Outgroup State

¹² Serb presence in Mitrovica and the 5 administrative units is not officially recorded as they did not participate in the 2011 census. It was also boycotted heavily throughout other cities too.

The reason we look at these three indicators is because they are the most important factors pushing for an adjudication process. Figure 1 would help to understand what the situation was during the conflict and how have courts dealt with it, if there has been any process or attempt at reparation or return to land from these people and how has the Kosovar state managed it. The third is an additional indicator of the return process and of understanding whether the current conditions help the reconciliation process the significant presence of both groups is required for it. Also, it helps us to understand whether, in our case Serbs in Kosovo have seen the conditions sufficiently suitable for a resettlement. This is telling for our research because it requires a level of trust in the governmental structures and a level of horizontal trust in the Albanian population too.

The second step to understand the situation is to look at the structures built to deal with this process shown in Table 1.

Table 1 – Transitional Justice Structures

Transitional Justice Structures for Adjudication	Lifespan	Cases
International Criminal Tribunal for Yugoslavia	1993-2017	7
The Special War Crimes Chamber at Belgrade District Court	2003 - ongoing	49
The Kosovo Relocated Specialist Judicial Institution	To be established	-
United Nations Interim Administration Mission in Kosovo	1999-2008	40
EU Rule of Law Mission in Kosovo	2010-(expected) 2020	256

The first institution to deal with the crimes committed on ethnic lines in Yugoslavia before the war in 1999 was the International Criminal Tribunal for the former Yugoslavia (ICTY) established in 1993. At first, this tribunal prosecuted those who had committed crimes against Serbian population only breaching the impartiality principle of the court. By the end of its mandate, the ICTY has found seven people guilty of war crimes committed in Kosovo. In January 2014, the International Criminal Tribunal for the Former Yugoslavia (ICTY) upheld the conviction of past Serbian Assistant Minister of Interior Vladimir Djordjevic for the murder, persecution, and forced deportation of Kosovo Albanians in 1999, while reducing his sentence from 27 to 18 years. Important names of the Yugoslav political elite that are under investigation or have been acquitted in controversial trials include Radko Mladic, Vojislav Šešelj and former Yugoslav army general Vladimir Lazarevic.

The Special War Crimes Chamber at Belgrade District Court has delivered seven final judgments on war crimes in Kosovo (Amnesty International, 2012, pp. 9-10) 6 trials are ongoing, indictments have been issued in 16 cases awaiting trial, and 20 cases are under investigation.

What does this mean for Kosovo and its ethnic-based division? Firstly, it signals that the asymmetry of power during the conflict might have continued after it too. As emphasized earlier in this study, criminal prosecution is a way to detach the current actors from the past and put them into new frames. In order to do this, even though our case at hand is Kosovo as a state, both actors, namely Kosovo and Serbia as states should show a degree of commitment that would signal to their respective populations beyond and within their borders that there is justice on equal terms. They would have to show the population in Kosovo and the one in Serbia that they are committed to the process and that they are ready to have a shift in roles and conflict-based identity (what role they identify with during the conflict). However, Serbia's performance suggests that it has failed in achieving this.

The international community has been persistent in their pressure for the Serb state to bring former commanders still at large in front of justice by using it as a condition for Serbia's European integration. Firstly, the low number of cases and the slow process shows that one party of the conflict is not committed enough to this process. Besides this, the government

is putting additional hurdles in the path as the trials have been suspended because of the negligence in officiating the prosecutor and there has been no official conviction for the last 4 years. The adjudication part of transitional justice is meant to provide victims with a sense of justice. Given that it is two different states who were parties in the conflict, national gatherings or amnesty are difficult to settle this. For this reason, it is necessary to have a thorough process from both states so that both groups in Kosovo in our case, and Serbia too, could reflect the same behavior. However, this lack of commitment to seeking justice is showing the victims of the atrocities that they will never see the wrongs committed against them addressed. This weakens the trust they have in them and it reflects on how they see the other party. It does not show them that there the chance for them to be victims again is low. If the perpetrators are all who speak, no victim can end their silence.

Secondly, it is difficult to see that this process has had any positive results in changing approaches too. Figures who faced their penalty like former army general Lazarevic, former deputy prime minister Sainovic, or those who managed to avoid prison, like Šešelj are venerated as heroes and are allowed to continue their ultra-nationalist propaganda freely. The Serb media itself avoids anything about the ICTY itself and the mentioning of their war crimes on official levels. They are oftentimes given wards and titles even by the Prime Minister in office, the leading figure in the negotiations with Kosovo, Alexander Vucic very strongly signaling Serbia's position in the process.

The Kosovo side is more complicated because of the novel institutions and the power shifts. Kosovo gains its independence only in 2008. Up to that time, the legal system of the country is under the lead and control of UNMIK. UNMIK (United Nations Interim Administration Mission in Kosovo) leads the Kosovo court system to prosecute 40 war crime cases in a time span of 9 years (1999-2008). After the UNMIK mission left Kosovo, EULEX (EU Rule of Law Mission) took the lead so 1187 war crime cases were passed over to EULEX. By 2012 EULEX prosecutes 20 cases and is still investigating 76 of them (Amnesty International, 2012). The Responsibility for the investigation of war crimes is left to the Special Prosecution Office of the Republic of Kosovo (SPRK). 160 incomplete war crimes cases, of which 128 cases are under EULEX Special Prosecution Office prosecutors' decision power and 32 under Kosovo Special Prosecution Office prosecutors' (Kosovo EULEX Programme Report 2014). As no new trial or case is investigated, by June

2016 EULEX is expected to leave Kosovo but instead, its mandate gets extended twice, with a potential end of mandate by June 2020. The European Council cites the mission's need to "support the specialist chambers and the specialist prosecutor's office" while monitoring "selected cases of criminal law" as the areas it focuses in, signaling the shortcomings of governmental structures in these areas (European Council, 2018).¹³

The lack of structures and acknowledged institutions is a serious concern on making the court system even weaker given the severely damaged structures, once in Yugoslav elites' hands, already high level of corruption and impunity in Kosovo (Transparency International Kosova, 2012) and the shift in power. Adjudication is meant to strengthen the reach and position of the incumbent government, however in Kosovo that hasn't been the case. The Albanian politicians of the current government have strong ties to the KLA, losing part of their legitimacy in the eyes of the Serb minority. Important names that were acquitted or under investigation: the current PM Ramush Haradinaj, Fatmir Limaj, President Hashim Thaci, all prominent political figures in Kosovo with the latter being the current President of Kosovo. This has not only delegitimized them in the eyes on one party, but their names being involved in difficult war crime discussions or latter political problems like corruption and money laundering has weakened their position for the Albanian majority too. The failure in detaching from the past has only build a circle in which the Kosovar political elites move without any change.

In a very publicly contested decision, Kosovo is set to establish a new court to deal with the crimes committed during the war by the KLA (Kosovo Liberation Army). The court is officially named "The Kosovo Relocated Specialist Judicial Institution". This court is expected to begin working in 2018. It is set to deal with war crimes allegedly committed in 1999-2000 by members of the Kosovo Liberation Army against ethnic minorities and political opponents in the territory of today's Kosovo. Problems with the legislation behind the establishment of the tribunal, the way it is supposed to work and how it reflects on the preceding work have surfaced. As Burema claims, "part of the responsibility for inadequate transitional justice lies with the international community in general and particularly with UNMIK, which carried the primary responsibility for the justice sector for most of the post-

¹³ www.consilium.europa.eu/en/press/press-releases/2018/06/08/eulex-kosovo-new-role-for-the-eu-rule-of-law-mission/

conflict period” (Burema, 2012, p. 15). Both UNMIK and its successor EULEX have been regarded as disastrous in protecting witnesses and victims of the war crimes or building a precedent of a proper adjudication process in a post-conflict case. They have made the process lose the vital importance in the eyes of the people.

As different examples of ethnic conflict, like the Bosnian war, Palestinian issue or the Kurdish issue teach us, one of the strongest indicators of a state’s acknowledgment of interethnic issues is the approach to the return process (Rouhana & Bar Tal, 1998). This process is the acknowledgment of the right to return to the proper land, house or area, for a forcibly displaced group. The importance and relevance lies in the fact that for it to be possible, there should be a degree of mutual respect and willingness between groups. The perpetrator is supposed to have recognized their wrongdoing and try to amend its behavior while for the victim it means that they have gained enough trust in the other group for them to return to a place that in the past meant life danger. On both sides, it shows the willingness and the degree of work done in the ‘future’ front, or that of building a peaceful coexistence.

The pre-conflict period of 1970-1990, the 1999 conflict and the resurgence of violence in the March 2004 riots have caused a great issue in terms of displaced groups in Kosovo. As shown in Figure 3, approximately 90% of Kosovo’s Albanian population was expelled during the period. Even though the Albanian population has built a strong diaspora because of this reason, majorly concentrated in Switzerland, Germany, Norway and Sweden, the population that found refuge in neighboring countries like Albania and FYROM has almost all returned to their settlement. The issue however stands for the Serb minority. The aforementioned causes have built a number of around 228,000 refugees and displaced persons of which 17,000 are still not accommodated (UNHCR, 2017). The return rate is nowhere comparable to the number. Almost two decades from the conflict both groups have built their new lives in their new locations, and are largely banned, legally or socially, to return to their previous settlements. Serbs have largely moved into the Northern Serb majority settlements or have stayed within Serb territories.

The utter failure in developing the transitional justice process has left place for the rise of complaints on both sides. Both communities are convinced that the crimes and damage

caused to them during the conflict have gone unpunished and need more serious engagement. As such, they refuse to look at the events from the other perspective too. Neither is willing to acknowledge their own wrongdoings and the significance of the other's suffering and pain meaning that it is not impossible not only for the status to move from the status quo, but for the people to evolve from their past selves and identities too. They are stuck in the same victim-perpetrator discourse but without being able to channel it into the right institutions, without having the justice they seek and increasingly losing their faith in their institutions. This means that there is a severely lacking central process of adjudication in Kosovo and Serbia, that contributes to the continuation of the uncertain situation among ethnic groups.

3.4. Truth Establishment

Where there is a conflict in the past, what the victims need the most is justice (Pejic, 2001). The major problem in this point is that, considering that there is no established truth after the conflict, the events of the past are most of the time blurred and filled with propaganda from both sides and both parties are still in a phase of de-humanization of the enemy, meaning they do not accept their deeds as illegitimate while the other is always seen as the 'evil' and deserves the things done to them (Nadler & Schnabel, 2008). The acknowledgment of the past suffering and the establishment of the truth (Pejic, 2001, p. 2; Bar-Simon-Tov, 2004, p. 4) are as important to a post-conflict society as justice itself.

The International Institute for Democracy and Electoral Assistance counts truth-telling as one of conditions that are needed for reconciliation and long-term improvement of relations between two former hostile parties (Bloomfield, Barnes, & Huyse, 2003). What a truth and reconciliation commission stands for thus is a body of research established to reveal and disclose the events of the past in an impartial way (Bloomfield, Barnes, & Huyse, 2003; Flournoy & Pan, 2002, p. 1). It should be able to pave a path for the process to take place and this can be done by agreeing on a narrative of the past which all parties would accept and as a result take responsibility. In this way, the conflict will not be seen as a one-sided attack but more like a dynamic chain of events with unclear lines and positions. It is

important because as discussed earlier, it not only affects the collective truth or the group one but in that way, it affects the individual truth and the approach to it too.

What we see in the case of Kosovo is that none of the parties of the conflict or of the negotiation table have been particularly interested in this type of approach to post-conflict. The international and Albanian community has granted a lot more attention and will power to state-building and political stability rather than these type of reforms and measures. The Serb side on the other hand, has spent a great amount of lobby power and political resources on the basic issue of Kosovo being part of Serbia's territory rather than bringing an unbiased account of the suffering of the Kosovo Serbs during the conflict. This mutual lack of interest and effort has left both Serbs and Albanians in the Kosovo grieving, distant from each other, and displeased with the post-conflict process.

Looking at precedent cases of wars that were a result of deep social clashes like the one in South Africa, it appears it would be very helpful for Kosovo to have established a Truth and Reconciliation Commission (TRC) because of differing narratives trying to coexist in the post-conflict period (Gibson, 2006; Gobodo-Madikizela, 2002). The deeply rooted ethnic divergences have established different mind frames for these two groups, from which they look and evaluate events. Both sides have tried the roles of victims and perpetrators yet the narrative following the war that both sides are subjected to is focusing on them only, dehumanizing and blaming the other. An impartial TRC would help with bringing people from both Albanian and Serbian side on equal grounds where they would share how not only Albanians were victims during the conflict or how the buildup social and economic discrimination to the armed conflict had affected the Albanian community too. However, it appears that reality has been different from this.

The only TRC for Yugoslavia was founded by President Kostunica on March 30, 2001 amidst heavy opposition. It was created only a few months after a change in the government post-war indicating that the new government knew the importance of such a step, in order to deal with the criminal nationalist elite of the past which still roamed free. The commission was initially composed of fifteen members: twelve men and three women, all appointed by the president himself. Considering the still existing heterogeneity in ethnic lines prevalent in the country, 4 members were added purely to raise the level of

representation. But given that they were the same in ideological, ethnic, and political terms, serious concerns over the impartiality of the commission as a whole arose. Two members later resigned because of disagreements over the Commission's composition and mandate; one of them resigned due to taking a government post, and one passed away. The commission ended its mandate without conducting any activity.

Despite the attempt, the commission's work was weakened by several factors. Firstly, Yugoslavia had already been divided into different countries by then. This meant different states, peoples and narratives to deal with, making it very difficult to operate a commission that dealt with crimes committed in three different wars, in Bosnia, Croatia and Kosovo. Secondly, the political sphere in Serbia (then namely Serbia and Montenegro) during that period was unstable and extremism was on the rise. The Prime Minister Zoran Djindic was assassinated in March 2003. The December 2003 elections brought the right-wing party in power. The rise of the ultra-nationalist power in the country effectively ended any prospect of continuing with truth telling.

Most importantly, as mentioned at the beginning, Serbia has still not recognized Kosovo as an independent entity. This prevents or rather frees the state mechanism from taking responsibility of what has been done. People are still relying on the official narrative of the war (Ilic, 2004). They regard the NATO bombings of Belgrade only as a war, completely ignoring the atrocities committed by the Serbian side and Serbia continues to regard Kosovo as part of its territory and national history and Serbs still believe so (Ilic, 2004). So, more than the establishment of such a commission, the real advancement would be witnessed when the pre-conditions for its creation are fulfilled. That is, the benefits of a TRC are not only from what happens during its time, fulfilling these preconditions of establishing is beneficial for the reconciliation process too. Kosovo and Serbia have still not fulfilled those conditions.

A concern that stems directly from the research and the establishment of truth is that of the disappeared individuals. It has proven to be equally vital to both Serb and Albanian groups. Amnesty International registers more than 3000 on the Albanian and approximately 800 on the Serb sides, added to the 1900 bodies that were never found, as victims of "enforced disappearances and abductions" (Amnesty International, 2009, p. 84). Like the similar case

of Bosnia Herzegovina teaches, in Clark's work, the lack of information on missing relative and disappeared persons causes the latter's families and friends to remain 'locked in the past' and 'unable to move on with their lives' turning so into further hurdles towards reconciliation (2010, p. 430). This was heavily hinted by the interviewees in this research too.

Furthermore, the lack of an established truth in Kosovo, brings in the issue of forgiving. If the competing 'truths' of the Albanians and the Serbs have not been told, have not been exposed to the other, and the suffering has not been acknowledged by both parties, the animosity they have towards each other cannot be changed. As Nadler and Schnabel (2008) suggest, it is impossible to move into a phase where forgiving and learning to walk into a co-existential future is achievable when the voice of the victims has not even been heard.

3.5. Constructing Future – Education and Trust

The past-factor is not the only factor in a reconciliation process. It should be an axis that ties dealing with the past and building the future. For this reason, one of the most important aspects that there is to it is building the broken relations and trust among the parties. The conflict in Kosovo might have ended in 1999 in terms of violence but the risk of re-occurrence rests extremely high for the first 5 years after it ends (Fearon & Laitin, 2003) and if nothing is done to address the changing dynamics, then the risk continues to exist. Additionally, if the conflict ended by the intervention of a third party as in the case of Kosovo, the retreat of that party may translate in a rebirth of the conflict and a new spur of violent events (Gent, 2013, p. 75) when the international bodies retreat.

Education is one of the areas in which these changes can be made (Burema, 2012, p. 4). Educating new generations regarding the past is a way of bringing change in the perceptions. It can bring the youth to a closer level of contact and can re-shape the narrative, pushing for a more objective view and positive change on both sides.

But the case with Kosovo is that what started as a civil war gave rise to two states. These new states have now different governments which are using nation-building policies that not only differ from each other but put the other in the center of such politics, and the most

prominent place for such policies is schools. Education in Serbia and Kosovo is still either lacking or very biased in reporting the events of the past, which can be observed from their history curricula. This opens the door to the indoctrination of the new generations with the same feelings of the previous one, feeding a machinery of bias and fear which leads to polarization and animosity in the long run. Having two different states like Kosovo and Serbia with a conflictual past with each other give different and highly politicized books to their respective communities translates into a deeper split over the two groups as not only they would have lost the direct contact the social psychology focuses so much on, but it would also mean that this polarization diminishes the perspective of learning about the past and designing a different future generation. Furthermore, both sides have been adamant in not accepting the idea of the introduction of the language of the other group in their school curricula, making communication and steps including narrative even more difficult thus deepening the division and cutting the chances for a common ground.

The nationalist projects explained in the first part of this chapter are still clearly present in the actual curricula. According to a study directed by the Humanitarian Law Center in Prishtine, Albanian-language history textbooks in Kosovo write that Kosovo has been Albanian territory since the 4th century BC. Additionally, the claims that the Albanians are direct descendants of the ancient Illyrian people are always present even if yet not proven, and as such, they have always been legitimate and autochthonous nation in the area of today's Kosovo. They claim the Slavic people to be their biggest enemies. On the other hand, under the heavy influence of the Institute of Science in Belgrade, Serbian books, which are the ones distributed to the Serb minority in Kosovo too, describe Kosovo as their holy land, where Serbs were the majority up to when they were expelled by the Ottomans and Albanians, depicting the latter as the main enemy of the past and bringing a negative image of the outgroup with it.

During a discussion on the topic in parliament started by the confiscation of around 100 000 textbooks that were being sent to Albanian living in Presheve Serbian Foreign Minister Ivica Dacic declared that "You want textbooks from Kosovo or Albania to be used in Serbia, and you want to be taught that Kosovo is independent... That will not be possible."

(Balkan Insight, 2016)¹⁴. Dacic had declared these secondary education books politically unacceptable and that would feed the idea that Albanian war-criminals were heroes. Both parties have not given up on their official narratives and are not ready to incorporate the alternative views into it. Despite the EU requesting a re-evaluation of history books from the Balkan states, none of them has done so yet. This might be a result, or at least aided by the lack of the establishment of truth and the acknowledgment of the other's truth.

As reconciliation relies on a change in the intergroup relations and the improvement or securing of positive relations requires both “horizontal” and “vertical” trust (De Greiff, 2007, p.8) with the former being individuals and groups trusting their equals and the latter means individuals and groups trusting the institutions, it is important to see how Kosovo scores in both. According to De Greiff (2007, p. 530) trusting institutions “means knowing that its constitutive rules, values and norms are shared by participants and that they regard them as binding.” In Kosovo's case this is severely lacking. Even the most prominent figures of the Albanian politics, Thaçi and Haradinaj, had been involved in trials of systematic organized crime, including organ trafficking and war crimes, and they have been tried in The Hague Tribunal. This has further worsened the Albanian government's image and legitimacy among the Serb community. The Serb minority faces the risk of under-representability as it is isolated in its representatives and ties to the Serb state, which is fragile in front of any change that comes in the Kosovo-Serbia relations. Considering the rising distrust in their political elite because of the politicians' corruption and clientelism, the community is found even more politically and socially isolated.

The trust between the two parties has experienced steps forward just as steps backwards. One of the fields in which there has been a degree of change in terms of trust in the relations between Serbs and Albanians is that of trade. Economic exchange between different parties requires trust and acknowledgement. There has been an increase in it, with more trade being organized between the countries. Cities like Gjakove are on the forefront of this exchange, signaling to the people in Kosovo that improvement is possible. The same can be said about economic relations within the country, there is no ingroup exclusivity along ethnic lines in buying consumer good. Another indicator of this improvement is the

¹⁴ Press Conference, December 2015 as reported by <http://www.balkaninsight.com/en/article/serbia-kosovo-textbooks-war-sparks-more-protests-02-18-2016>

increased presence of Serb staff in local business and political scene. On the other hand, it is clear that any sparkle can change the situation given its fragility. Every diplomatic decision by one of the two states reflects on the situation of the people. Segregated social life with limited interaction and different sources of information like media and education contribute to the deepening of the distance between Albanians and Serbs.

Concluding Remarks

What the government has conducted in order to move the reconciliation process forward, which as discussed leaves a lot of room for improvement. Kosovo lacks an official settlement agreement, leaving room to nationalistic propaganda, instrumentalising the situation, and breeding bureaucratic problems. There has been an adjudication process taking place in Kosovo, with major political figures being trialed despite their power. The plans to establish a special court for the war crimes itself a positive indicator of the steps the government is taking towards it. It is not easy for the side that suffered the most damage, as observed in the data offered by international bodies, to settle on the idea that it might have committed the same crimes too. This in itself is an indicator that, at least for the state structures that deal with the negotiations with Serbia and the international actors, a degree of identity shift has happened. It is however still to see if this court will be able to continue this process forward when it has faced rejection on the part of the Albanian majority and the biggest opposition party in the country which holds nearly the same public support as the government coalition, Levizja Vetevendosja, is strongly against it.

On the other hand, the pace with which it is developing and the presence of suspects in the top level political life of the country show that it has a lot of room for improvement. It lacks of governmental structures for truth telling and completely neglects the Serb minority's narrative of the conflict. It has not conducted any reform on its educational curricula leaving an open door for ultra-nationalist propaganda and lacking information to affect yet another generation. Additionally, as per UNHCR's series of reports in early years after the conflict the returning process has been slow and threatened by security concerns the Serb minority faces in the majority of the Kosovar territory (UNHCR, 2001). However, Peje has

scored a degree of development in this direction, with slow but steady returns of Serb families (UNHCR, 2001; UNHCR, 2017).

All considered, Kosovo has failed in conducting transitional justice measures and of securing the ground for intergroup reconciliation so far. However, the situation can be often dependent on the way the community has absorbed these measures and the additional steps local administration has taken in accordance. Very often projects and drafts aiming to help the process forward are organized in municipality level which creates different grounds and contexts for the effects to take place. Furthermore, even though a descriptive analysis helps us to see the situation in numbers, a look at how the subjects of such measures have absorbed them and the assessing of their perceptions and attitudes helps us understand whether this difficult process has brought any change in society itself better. In consideration to the past events and what the state aims to address it seems that the biggest concerns to ethnic groups in Kosovo are lack of trust, security issues, outgroup bias and discrimination and a lacking justice the next chapter tries to see how these are reflected in people's behavior and the intergroup relations per se.

4. INTERGROUP RECONCILIATION

What has been lacking in the pictures painted from the Kosovo case is a look more in touch with the population. It was difficult to see how the people of Kosovo lived through the tumultuous changes of the last two decades. This void was the main reasoning behind this study that's why it aims to create a space for the voices of the unheard. By following semi-structured interviews methodology, I tried to understand and create the opportunity for people of Kosovo to express themselves in regard to the reconciliation process, a top-down process that more often than not loses its touch with the reality.

All the interviews, in Gjakove and Peje alike, were conducted in places fitting to the interviewees' choice, like their homes or business places. Faced with questions that would bring up their identity, conscious stands, opinions and claims, they were presented the options of skipping questions or leaving the interview altogether. The sensitivity of the topic paired with a bad timing on the investigator side, considering the talks about a new War Crimes Tribunal of Kosovo, that understandably raised the suspicions with which I was received, increased the difficulty of gathering information that would serve for the analysis without having to let go of audio recording. People, even though previously informed about the recording, often opted to not be recorded, so the information had to be noted during the interviews. Information on the sample can be found in Table 2.

Table 2 – Interview Information

	Albanian	Serb
Gjakove	14	6
Peje	13	6

There were 20 interviews conducted in Gjakove and 20 in Peje. The interviews, considering the rationale behind the study, were conducted with “normal people”, namely not decision makers or politicians, and to grab a more representative sample of the society they try to reflect the ethnic ratio of the demography in the cities but were random in gender and age terms. The sample includes ex-fighters, clerics, students, businessmen, housewives, farmers, engineers, and retirees. Aware of the situation and of the image I as an Albanian, a reflection of the majority of the population and the ethnic group governing the country, worked towards presenting myself in a less-threatening manner to every interviewee. This was done in order to avoid fear, observer bias, spotlight effect, and other potential disturbances.

The questions were targeting five parameters that, according to Nadler and Schnabel (Nadler & Schnabel, 2008, p. 48), would define the path of a reconciliation process that consists of three consecutive levels of predictions:

- (1) Victims experience a threat to their identity as they are put in the position of powerful social actors, and perpetrators face a threat to their identity as they are put in the position of moral social actors.
- (2) Therefore, perpetrators seek information that others accept them and view them as moral whereas victims seek power and acknowledgement of the injustice done to them. The frustration of these needs leads to feelings of moral inferiority or powerlessness that constitute barriers to reconciliation.

- (3) Messages of social acceptance and empowerment satisfies the perpetrators' and victims' emotional needs, respectively, and is therefore be linked to greater willingness to reconcile with one's adversary.

As explained in the theoretical part of this thesis they are: ingroup identity, responsibility, empathy, trust and forgiveness.

Gjakove presented a good case for analysis because it was the birthplace of the KLA. It is a border area and it includes in its territory the Monastery of Deçan, a very important landmark in the Ahtisaari plan and the Serbian stance during the process. Peje on the other hand provided a good case of a more stable city, of a richer ethnic composition and generally more socially active than Gjakove that is known more for its economic life. However, the main difference was that in absorption of centrally developed policies, consideration of the interethnic situation in the cities, number of ethnic incidents and of additional activities that address and target intergroup reconciliation in the city. Peje scores better in this direction with more open interethnic contact, low number of ethnic incidents in the last years, and has undertaken measures that deal with truth establishment, justice and education in its own borders. The most striking activities on these lines are those of the NGOs targeting women in the city and that of Youth Initiative for Human Rights. Both have had the support of the local political elites, signaling the support for the reconciliation process, very differently from the situation in Gjakove. The NGOs targeting women in Peje are working towards creating an environment of mutual trust and equality, providing the opportunity for women to regain their voices without discrimination in terms of ethnicity. Their activities included getting together (Albanian and Serb women) to talk about the past events but also activities that focus on teaching living together, putting in practice some of the most important points of the theoretical work on conflict resolution and reconciliation like truth telling and the idea of teaching for peaceful coexistence.

Another very important attempt at transitional justice and intergroup reconciliation comes from the university students. A movement named Youth Initiative for Human Rights operating in the universities of Mitrovica (the northern, most contested territory between Kosovo and Serbia), Prishtina, Prizren and Peje. It is a movement that seeks adjudication and change in the legal framework surrounding the process. It brings together law

professors and their students in activities that include supporting the legal work of ICTY by informing the public about it; monitoring and documenting human rights violations; creating opportunities for journalists to meet political leaders and civil society in attempt to create the opportunity for them to reach a more inclusive narrative that doesn't leave the outgroup perception out of it. So not only affect the responsibility and empathy factors on identity lines, but it is also reflective of the attempt to establish trustworthy state and extra-state institutions.

UNHCR reports state that Peje has succeeded in keeping its multicultural status with different minorities residing in the area. The return process achieving a degree of success, the small but stable number of Serb residents, the local political structures aiding work conducted to address intergroup reconciliation and transitional justice like the ones cited above, the joint work to address security concerns of the community as UNHCR states in its reports (UNHCR, 2001; UNHCR, 2017) and as it's seen from these activities in the area have put Peje several steps ahead of its neighboring district of Gjakove. These as factors that show the will and support of the local power for the reconciliation process and mean a more positive attitude is expected in it, this makes it a perfect setting for the comparison with Gjakove its hostile medium towards Serbs, and its reluctance in undertaking or absorbing any such attempt at reconciliation.

4.1. Identity

The most important aspect to open the interviews was that of identity for three reasons: to make sure the interviewees self-categorized in ingroups and defined outgroups considering the study is looking for two specific ethnic groups, to understand how they approached the past events under its lens, and lastly to see if there is any change in it, as Kelman argues that there would be an effect on reconciliation processes (2008). This change would be a direct reflection of the effect adjudication and truth telling would have on a group because they are expected to re-shape the stances on victimhood and assign new 'roles' to people.

Firstly, my interest in the case is to see how sociopolitical measures affect ethnic groups' relations with each other. For this reason, identity and the establishment of the connection

between collective and individual is very important. I tried to see how Albanians and Serbs saw each other, for which I needed to have the people confirm they self-identified with their respective ethnic groups. Additionally, I needed to make sure that their understanding of the ‘other’ was as expected for the interview to take place, which is Albanians seeing Serbs as the other and vice versa.

All the interviewees had very clear identities, every Albanian interview clearly defined the ‘us’ as the Albanians and ‘them’ as the Serb minority, in both cities. The Serb interviewees did the same. Even if the questions had followed an undefined profile of the groups, all the interviewees defined the ‘us’ and ‘them’ on ethnic lines. It was observed that the “us” and “them” of the past corresponded to the “us” and “them” of the present. This in itself is an indication of the clear division in Peje and Gjakove that was reinforced by the outgroup’s acts towards them. A middle-aged woman from Gjakove explains:

“They knew who was who and who everyone sided with. Even the Catholics (Catholic Albanians) were not on our side. They were all spies. We just had ourselves.” (GJ7)
(Interviewed in November 2017)

While the Serb interviewees did not use any particular term, the Albanian ones used the word “*shkije*”, a term meaning enemy specifically used for Serbs and high in negative connotations.

How did their identity serve as a lens to judge the events that have taken place? Is there any shift in identity as Kelman argues there would be when reconciliatory measures are initiated by states? That would be, bringing new elements of identity, accommodating differences of the others and incorporating such differences, like admitting they committed crimes against the other group and that they are not only victims, into their existing identities without having the need to say we are the same group. To look at this, the subjects were asked about the event that affected them the most. Social identity theories suggest that ingroup members tend to overvalue their own suffering and undervalue that of the outgroup. This is closely tied to adjudication and truth telling because it reflects on how people see the victim and the perpetrator, what they see as the past crimes and what would be justice for them.

Albanian interviewees in both cities showed very strong stances on these divisions. They not only show these divisions in retrospective, but also in future terms, contrary to what would be expected in societies where at least a start to a reconciliation process has been made. This might be a result of how deeply rooted in identity the conflict and the post-conflict period has been.

“I will never forget when they closed us within the walls of the school. It was us, women and the elderly. I thought I was going to die, I was sure they wouldn’t let us go. Why would they when they hate us” (GJ8)

(Interviewed in November 2017)

“We and they cannot be compared, we were only civilians, and we didn’t have any power. I don’t know how our government wants to establish a court betraying its own citizens. We aren’t equal.”(P24)

(Interviewed in November 2017)

The identity shift expected from the Serbs would be them accepting and acknowledging their citizenship or Kosovar identity as it doesn’t have ethnic connotations. On the other hand, it would acknowledge the legitimacy of the fight for sovereignty that Albanians conducted, that they recognized the crimes against them and that they were ready for a ground of commonality. However, this wasn’t observed in any of the interviews in both cities, every identity reference done during the interviews was Serb or Albanian. The interesting aspect regarding identity and how it reflects on past and future, noticed during interviews with the Serb interviewees is that they tie themselves exclusively to the Serb state. None of the interviewees in any way showed any hint of them at least seeing themselves as citizens of a country called Kosovo and represented by Albanian leaders. They all were completely indifferent to their status as Kosovo citizens (Kosovars). This is not only an indication of the lack of any change in identity that post-conflict measures were supposed to bring, but also a reflection of the Serb state’s refusal of recognizing Kosovo and the strong ties the community in Kosovo has with it as it was observed in both Gjakove and Peje habitants.

“Albanians don’t want us here but this is where our home is. We cannot abandon everything and go. We are just trying to live our lives” (GJ16)

(Interviewed in November 2017)

“We both suffered but no one know we were victims too. It’s been nearly 20 years since the war. We just want to be left alone” (P33)

(Interviewed in November 2017)

From the answers received, no clear verbal indication of an accommodating shift in identity was recorded. It is possible to say that there was no change in the attitude of the habitants of Peje and those of Gjakove in terms of categorization and identity, nor any shift or attempt of accommodation of novel positions in these identities meaning there is no significant observable effect of the reconciliation policy attempts in Peje.

4.2. Responsibility

While identity as a factor affecting the absorption of post-conflict policies, and one that is also affected by it, guilt share or responsibility is a direct look at what touches people who have undergone trauma the most: the sense of justice. It is crucial to understand how two groups associate with guilt and victimhood and how they bring the outgroup into the equation. To understand whether Albanians and Serbs in Peje have a different relation with guilt and responsibility from those in Gjakove, they were asked questions that addressed the root of the conflict and how it deteriorated. The root was asked because it would help us understand who is the first to blame for the group members while questions about the escalation of the conflict would help us understand if they have managed to see a dynamic in it, if they have looked at the events with a cause- effect mode and if they ever thought that each party’s action might have reflected differently, spiraling the situation into what it became.

The ways to address this on state level are all the ones mentioned in the descriptive analysis: the settlement to recognize a just cause, adjudication for at least key figure

criminals so that there would be a sense of justice for the parties, truth telling to bring the truths of each group onto the table with the least possible bias and trust building education to teach it to future generations for the crime to not be replicates or the dynamics to be healed. On state level, as we saw, Kosovo lacks in all of these fields. However, it does not spread equally over their geography and as we saw in the introduction to this chapter, Peje has worked more in this direction. How does this translate into the people's stances? This focuses on three points, who do they think has the major responsibility for the war, do they think of the conflict in a dynamic equation view with each party's action soliciting an answer from the other and do they see both groups as potential perpetrators?

When ingroup members categorize victims as members of a distinct group, a pro-ingroup bias is activated, which results in use of more "ingroup serving" definitions of injustice (Miron & Branscombe, 2008, p. 92) meaning they are more inclined to see the injustices committed against them as a group and ignore the ones committed against the outgroup. Accordingly, when they categorize perpetrators and guilty figures, it is easier to go for the outgroup.

"They took their most deadly weapons and came to our homes, our shelters, our families, because they (Serbia/Serbs) wanted this land" (GJ12)

(Interviewed in November 2017)

a former KLA fighter said. Another Albanian interviewee from Gjakove, a young university student was very determined in his stance that

"It doesn't need much to understand they hated us, this was a way to take us out and grab our land too" (GJ4)

(Interviewed in November 2017)

Another interviewee from Gjakove said:

"It wasn't anything new which started in that year. They had been preying on us for a long time. When it happened we couldn't sit and wait to get exterminated" (GJ10)

(Interviewed in November 2017)

A similar answer would come from young woman in a village of Gjakove who after several minutes of silence and reluctance to answer the questions said:

“They did everything to make us suffer and they succeeded. We lost our men, lost our fathers. We were left alone in groups of women who didn’t know where to go. How can I even talk about it like this (so nonchalantly)?” (GJ13)

(Interviewed in November 2017)

It is clear to see that the Albanian interviewees in Gjakove follow the lines of the theory above. Their view of the victim and perpetrator and the share of guilt is focusing on the Serb side. These answers are a clear indication of how besides seeing the outgroup as the sole perpetrators, they also attribute the escalation of conflict to the outgroup with mentioning “preying on us for a long time” or “did everything to make us suffer”. These statements do not leave room for the acknowledgment of the responsibility on their side, especially when they come from former KLA members. We can witness this understanding when Albanians mention the asymmetry of violence. More than 50% of the Albanian interviewees mentioned how they would never be the same with the other group, in terms of guilt and responsibility because the difference in what they owned in terms of military or governmental power was abysmal, again hinting at the continuum of violence and conflict only on the outgroup with what sounded like definitions of systematic oppression.

“They had the police. They had the soldiers. We didn’t...we didn’t know how to handle weapons.” (GJ9)

(Interviewed in November 2017)

said another former KLA member whose family was held hostage during one of the massacres in Gjakove.

Albanians in Peje exhibited a similar attitude of ingroup serving bias in terms of victimhood and seeing the outgroup as the sole actor to bear responsibility for the conflict as a whole. A woman from Peje, said

“I couldn’t understand why they (Serbs) hated us (Albanians) to that degree. We didn’t do anything to them but suddenly they were at our doors telling us to leave the places we called home. It wasn’t their home!” (P7)

(Interviewed in November 2017)

Another interviewee from Peje refused to accept a scenario where the outgroup might have suffered under ingroup's potential abuse.

"There is only one to blame for the doom and that is Serbia and the ones they brought to this country after expelling us." (P31)

(Interviewed in November 2017)

On the other hand, the Serb interviewees in both cities were more detached. Their answers varied around political terms and the need to tell that they had wronged the other side but they had been caught in the middle too even when they didn't support what the Serbian state was doing. A young man from Serbs in Gjakove simply answered:

"What caused this conflict? Politics." (GJ19)

(Interviewed in November 2017)

It was certainly an interesting answer because it reflected the ability of the interviewee to differ between political interests or moves and people's ones. It shows how he was aware of the political instrumentalisation of ethnic divergences that might have taken place. However, it may be also interpreted as an inability or lack of will to understand the root of the problem, insisting on identifying its manifestations (the aggressive ethnic based politics) as the root. A male interviewee from Peje shared similar views on how the instrumentalisation of the existing divergences was what lied at the root of the conflict saying:

"We suffered from what Milosevic did too. They (Albanians) at least could fight back, we did not have the power to do anything but be crashed in the middle" (P26)

(Interviewed in November 2017)

Another female interview shared the same stance and her worries of the Serb minority's pain being completely ignored saying:

"Years and years of mutual hate and never understanding each other, political interests and greedy politicians brought us to the point someone was killing his

neighbor and our houses were destroyed by bombs. It didn't serve anyone for anything, it only brought pain to all of us" (P29)

(Interviewed in November 2017)

Serb interviewees' opinions scatter around the same axis too: they want acknowledgment of their victimhood, for this reason it is expected that they do see the conflict as a dynamic exchange between the parties. They are not ashamed to accept the fact that they are powerless in Kosovo, but this on the other hand does not go along their line of attachment to the Serb state. They seem to keep the tie strong sometimes and in times when it is to take responsibility, they distance themselves.

The other important aspect of this is whether they feel like the adjudication process was adequate and brought them justice for the past. The answers were ranging from:

"Justice here is as corrupt as the state itself, we have given up on it" (GJ5)

(Interviewed in November 2017)

"If they continue hiding their dogs there will be no justice, it's their state who protects them and has no intentions of putting them in front of justice" (GJ3)

(Interviewed in November 2017)

To answers that again focused on the asymmetry of power and criticized the government's plan of establishing a court meant to deal with crimes committed by Albanians against Serbs as:

"I don't know how our government wants to establish a court betraying its own citizens. We aren't equal." (P24)

(Interviewed in November 2017)

Serb interviewees on the other hand were very insistent on the fact that major suspected war criminals (including Kosovo's current and past Presidents) were able to continue their political lives.

"They cannot speak of justice when criminals like Thaçi lead the state" (GJ15)

(Interviewed in November 2017)

or

“Justice hasn’t worked for us. The ones to be behind bars are still free and we are left with the past. Maybe we should forget about it completely and build new lives. What’s the use of insisting on it?” (P29)

(Interviewed in November 2017)

The complete disappointment in seeking justice post-conflict was emphasized by the laughs that at least 4 young interviewees answered my question with. Very telling was also the fact that several interviewees were very reluctant on talking about it overall, especially female interviewees, or that they directly told that they were suspicious this was for the secret services. When faced with the idea of intergroup justice, Albanians pried away and even insinuated that the researcher might be a spy for the government digging up their pasts and trying to please the foreign powers by finding scapegoats. There was no observable significant difference between the interviewees from Peje and those from Gjakove, meaning there has been no or little effect of any attempt conducted or supported so far in Peje.

4.3. Empathy

Empathy is the other side of the coin of responsibility; if responsibility and guilt share are concerning groups falling into the role of the perpetrator and feeling collective guilt, empathy focuses more on a mutual status of victimhood. Learning about the outgroup’s past, their point of view and how they lived the same events helps not only understand the group but also helps the justice mechanism too. A process of building a peaceful coexistence would require the accumulation of steps that indicate acceptance of the other as an authentic nation and inclusion of the other in one’s own moral community like political recognition and acknowledgment of the other’s legitimacy, humanization of the other, including respect for their dignity, concern for their welfare, and attachment of value to the other’s lives and security.

For this factor, truth telling and education come first. Even though persecution is a process that defines the victim as much as the perpetrator, it is more detached from the people than truth seeking. The answers provided for the responsibility assessment show us that the process itself is oftentimes of no interest to people because it is an elongation of the state so whatever issue Albanians or Serbs have with the state, they have with its justice

mechanisms too. Truth telling aims to address a common phenomenon in intractable conflicts like the Kosovo one: As Fry (2006) argues the perpetrator group “can distance themselves from the pain and suffering of the adversary by belittling them or by feeling no empathy with the victim’s sufferings thus increasing the social distance between oneself and the victim lowers empathy” (as cited in Nadler & Schnabel, 2008, p. 47). They may do so by victim-blaming, by asserting or implying that the victim “brought it on himself or herself”, or by attributing their harmful actions to external constraints like them also being victims.

Many answers were just a continuation or repetition of what the interviewees said about responsibility. Young Albanian interviewees from Gjakove had the strongest reactions to the question of whether they had ever tried to look at the outgroup’s point of view with:

“The international community already takes care of that, they are showing them as victims too. There’s no need for us to do it.” (GJ1)

(Interviewed in November 2017)

Two of them were simple “No” (GJ18) (GJ2) answers without them developing further and one of them was completely calm, saying:

“I don’t want to do that. I don’t care about that when they treated us the way they did” (GJ3)

(Interviewed in November 2017)

It was very interesting to witness this behavior because it differed from the ones from relatively older interviewees, like a man from Peje who despite having been imprisoned and tortured during the period said:

“I was a kid when they closed me in a hole and left me starving. But they were persecuted after we came back. We chased them out. Now I have family and I want them to have the same. It’s all in the past” (P22)

(Interviewed in November 2017)

This sentiment was shared among Serb interviewees in both cities to some point.

“It’s not the villagers’ fault that the politicians put their interest first” (P15)

(Interviewed in November 2017)

“We suffered from what Milosevic did too. They (Albanians) at least could fight back” (P26)

(Interviewed in November 2017)

However, their understanding of empathy is more inclined to their pain being acknowledged rather than about them accepting the other side's victimhood. The former is the one being ignored in their opinions as it was observable in how they addressed each side and their actions above.

It is interesting that people who even fought in the war are less harsh towards the outgroup in terms of empathy than youngsters. It is also important to see how despite engaging similar mechanisms, it is easier for the subjects of these interviews to acknowledge pain, in some way, but hard to acknowledge their responsibility or guilt. This might be a result of how each is perceived. Guilt is associated with trials and getting punished, however empathy requires the subject to admit the other suffered too and doesn't have any binding mechanism to it and this might be the reason that despite lacking processes behind both guilt share and empathy, a degree of empathy is more present and observable in both cities. This might also be because, fitting of their ideas of peace, empathy doesn't require living with each other or having contact. It can be done in divided settings too.

There is no significant observable difference in levels of empathy towards the outgroup between the habitants of Peje and Gjakove. However, there is a slight difference among young and older Albanians in Gjakove with the latter being more strongly opinionated and not accepting the other's victim status. This might be just a result of the older generation being politier and accommodating than the youth or it might be an indicator of the deteriorating interethnic situation. Considering how the most politically active are the adult – middle aged groups and Gjakove's situation shows signs of deteriorating interethnic relations (ethnic incidents, decreasing Serb minority presence), I would argue that is what brings the hostility of Albanians towards the Serb minority.

4.4. Trust

The first thing that reconciliation tries to mend between conflicting parties is trust. This is because it translates into an improvement in how they see each other's attempts to improve

the tense situation, how they would deal with each other and how they would rebuild their relationships with each other. It is the most important condition to peaceful coexistence. The first part would be trust in their politicians, especially entrusting them the power to conduct any process after the conflict. This is important because it means Albanians trust the fairness of their elections and the ability to lead, and that Serbs recognize their legitimacy. However as seen in the descriptive part of this thesis, that isn't the case. Besides this level of trust, it is important to address two other aspects of it, direct trust in the other group and trusting them as leaders. Faced with the question if they would elect a representative from the outgroup all responses were negative, making a strong statement regarding how they trust the outgroup.

However, trusting the outgroup in economic issues is not that difficult for Gjakove habitants it seems. This was a surprising result when the expectation would have been the opposite. Gjakove city habitants (5) answer that they would have no problems conducting economic transactions and having their money entrusted to Serbs. A man from Gjakove who continuously travelled to Serbia for trade said:

"I've doing this business for years, they have never played any games. Even though the bridge police (Mitrovica) is not very friendly to us, I haven't encountered any problem in Belgrade" (GJ5)

(Interviewed in November 2017)

Another man from Gjakove, owner of a money exchange point said:

"I don't care who is who, business is a completely different thing" (GJ2)

(Interviewed in November 2017)

However, villagers didn't have the same opinion. One of them even criticized the behavior of the city habitants, hinting at the truthiness of their dedication to identity by saying:

"One cannot trust them (Albanians in the city), because they're ready to trust anyone as long as they get the money" (GJ11)

(Interviewed in November 2017)

This presence of trust created by economic exchange among Serbs and Albanians means that there is an opportunity to cultivate trust when interests fall on the same line and for the city of Gjakove, building economic relations might be the key.

The situations among Serbs was completely different. They were very distrustful of Albanians, in terms of government, representation, or coexistence. The words of the head of a Serb male at the Monastery of Deçan (GJ19) emphasized how they did not feel threatened, however, this seems only valid for people who live within heavily protected areas as another Serb interview was not hiding the concern and fear:

“We are only a few. If something happens again we will be the first in danger.” (GJ14)

(Interviewed in November 2017)

This seems reoccurring as another one (P38) cites how it is difficult to travel and that the poor economic situation makes it difficult to move so they feel unsafe and scared of any development.

The assassination in January 2018 of Oliver Ivanovic, a top politician serving as a moderate leader of the Serbs in Kosovo, settled this situation of unrest and seems to have increased the level of tensions and distrust between Serbs and Albanians in Kosovo too.

Trust was the category both groups in both cities seemed to have moved least in. There is no significant difference found between the interviewees from Peje and those from Gjakove signaling that the attempts at establishing truth among the two groups have not brought any significant effect. However, there seems to be a slight difference in the responses of Gjakove interviewees that were working in business. They seemed to have developed a sense of trust towards the outgroup thanks to their continuous economic exchanges. Considering the difficult setting of Gjakove this is of outmost importance as it offers the decision makers a ground for improvement in intergroup trust and intergroup relations.

4.5. Forgiveness

The last factor in the process is that of forgiveness. The apology-forgiveness cycle represents a social interaction that satisfies the psychological needs of victims and perpetrators as it gives perpetrators the 'power' to change their past behavior and are signaled that "the victims understand the circumstances that drove the perpetrators to commit wrongdoings and that they forgive them for these wrongdoings implies to perpetrators that they are no longer viewed as immoral and bad and should not be concerned about being socially excluded by the victims or the community" (Nadler & Schnabel, 2008, p. 49). The victims are given the power they lacked in their earlier position where they were committed injustice against. They can have an effect on the more powerful group and forgiving or not they are tying the perpetrator's moral status to their words. It is important to reconciliation because it gives a sense of equality, and an identity shift, that was the first factor of it. So, the change-axis would be complete.

However, in Kosovo the conditions to reach it are not ripe. Firstly, there has been no official apology for the past events on either side. In many other post-conflict processes it has been a very important part of it. South Africa and New Zealand show that in cases of severe crimes on identity lines, such a move would help the reconciliation process forwards because it shows the party's commitment to it, it sets the example for the other levels of society and it helps set the fundamentals for further process like adjudication, truth telling and reparation (Kelman H. , 2008; Miron & Branscombe, 2008, p. 87). Considering it is possible to see the ground for forgiveness when looking at how they address responsibility and guilt share, this part focused more on what would follow forgiveness. The interviews were held subject to questions like how do you see the peaceful future, with the underlying attempt to understand whether there is any chance they have mended or would mend their relationship along with the theoretical claim that forgiveness would manifest in the form of social inclusion.

The Albanian interviewees in Gjakove and Peje, regardless of any attempt at reconciliation, seem to see a future they would be fine with, if there is clear separation in the lives of the ingroup and outgroup.

Two interviewees in two different places in Gjakove shared the same sentence:

“Our future would be peaceful if we are dealing with our own lives separately.” (GJ9) (GJ13)

(Interviewed in November 2017)

Another Albanian, a woman from Peje, on the same line said:

“As long as we don’t mingle in each other’s lives here, everyone should be able to live undisturbed.” (P28)

(Interviewed in November 2017)

Another one from Peje, when asked about who he had to blame said:

“It’s all in the past. It doesn’t matter anymore everyone is just trying to live.” (P22)

(Interviewed in November 2017)

Albanians of Peje and Gjakove exhibited similar opinion on the desire to see their lives separated from the outgroup. There wasn’t any change in opinion in terms of age groups, nor city or village habitants.

Peje and Gjakove Serbs had similar stances on peaceful coexistence making both groups in both cities see the only possible future as divided communities. However, in their case, they addressed leaving too, citing that even though it sounds easy to leave difficult conditions, the improvement is not guaranteed with changing places, reinforcing the idea that the Kosovo Serbs are in a difficult limbo situation.

“It’s been nearly 20 years since the war. We just want to be left alone” (P33)

(Interviewed in November 2017)

“We cannot abandon everything and leave”. (GJ16)

(Interviewed in November 2017)

“I can conduct my life normally even if I live in a protected area. No one bothers us when we go to the city.” (GJ19)

(Interviewed in November 2017)

“A lot from us have left for Serbia and never came back. Once you leave it you cannot get it back you have to start from zero. Maybe one day I will do the same.”(P35)

(Interviewed in November 2017)

More than peaceful coexistence, the words of the Serb interviewees seem like they just want to be tolerated and the words of the Albanian interviewees signal the opposite stance: that of having to tolerate each other's existence. This does not in any way entail the empowerment of the victim and morality of the perpetrator for which forgiveness stands for. Nor does it reflect a positive sign for building a medium for coexistence. Rather it seems like a negative peace, one where they just want to avoid any clashes and if separation is the way to achieve it, they choose that. The very idea that both groups have of peace being the lack of incident and contact goes to show how very little has been done to reach their worries and how little impact any policy attempt has had in the area.

Concluding Remarks

The interviews conducted in Gjakove and Peje did not present any significant change between the approach and perception towards each other that Albanians and Serbs in both areas had. It wasn't possible to detect any shift in identity; Albanians hadn't accommodated the idea that their ingroup might have been a perpetrator too, Serbs had difficulties in seeing their ingroup members, except for politicians and decision-makers, had had a role in the atrocities committed towards the other group, they don't seem to have acknowledged the Kosovar term, even though it is a neutral term to avoid ethnic connotations still very strongly present in the area. This is strongly reflected in how the subjects address responsibility and empathy and in them majorly attributing negative traits and acts to the outgroup while attributing victimhood status to the ingroup.

The lack of an official settlement and an official apology from the states seems to have had a role in the way they relate to identity and forgiveness while the issues in addressing responsibility, empathy and trust seem to stem more from the lack of a mutually acknowledged narrative that includes both sides of the past, the lack of legitimacy the government has in the people's eyes, a lacking sense of justice, and fear of repetition of the past.

The factor that showed the most development was that of empathy. Even though only to a certain degree, it would be an indicator of how recognizing the outgroup's suffering is not as hard as acknowledging the ingroup's guilt in Kosovo. This might be useful for the future of this process as it might be turned into the stepping stone. Maybe it might be effective to start from building empathy by establishing truth and then move into the other steps of the process. The factor that showed the least advancement was that of trust, even though some Gjakove habitants displayed a degree of trust in economic relations with the outgroup. In this case, this might stem from the lack of structures that provide security for the minorities or the lack of legitimacy the state apparatus has in their eyes, the fear of the repetition of the conflict and the uncertainty of the future.

All considered, the attitudes of the subjects seem not affected by the attempts at reconciliation, they show the same patterns in both areas of interest indicating that the measures have been ineffective in addressing intergroup grievances.

CONCLUSION

Conclusions and Their Reflection on the Initial Theory

As literature teaches “the culture of peace is characterized by participation in shaping a common future, respect for human right, solidarity, cooperation, mutual understanding, equality and justice” (Chicuecue, 1997, p. 485). My research explores the scope and limitations of transitional justice as a tool for successful transformation of intergroup relations and as a potential actor in pursuing intergroup reconciliation. With this purpose, this study presents a literature review of both conflict resolution and intergroup relations, the discussion steered toward the direction of the latter being subject to the measures and action that constitute a transitional justice and further on a reconciliation process. The thesis offers a theoretical discussion of what would be the possible approaches to a post-conflict period and what would work better considering the context of Kosovo. Borrowing from similar cases and the theoretical discussion on interethnic conflicts I argued that the most important steps to take would be to bring measure for accountability and acknowledgment of the past in order to bring a long-term change that would affect not only state structures in Kosovo but their social structures and dynamics too. I argued that transitional justice would have a major impact on intergroup reconciliation as it addresses the broken ties between groups during its steps.

The descriptive analysis conducted in third chapter, focused on assessing whether Kosovo had gained momentum in the reconciliation process and how the steps were being performed. The evidence suggested that both Kosovo and Serbia had conducted only

limited action in this direction. As the analysis extended to adjudication, it showed that the process in Kosovo has been stagnant for the recent years and it seems to be severely suffering from the state corruption preventing the political elites from responding to people's interests. There seems to be a level of development in adjudication but none in reparation or dealing with disappearances or the returning process. There also is a relation between the power asymmetry during the conflict and the legitimacy or the degree of commitment to the process afterwards for Kosovo. Additionally, the truth that Kosovo's judicial, executive and legislative power-holding institutions are not only new but also have experienced continuous change, from international bodies like KFOR, UNMIK and EULEX to the national structures during this short period of time seems to have increased its inefficiency.

Regarding the creation of opportunities for acknowledgment, Kosovo seems to not have advanced. The state of Kosovo has not encouraged truth commissions or the establishment of an inclusive narrative that would acknowledge the 'other'. This is observable in the lack of educational reforms addressing official teaching of the conflict too. There is also a strong connection between the lack of an official agreement between Kosovo and Serbia and voids in the aforementioned processes, as it not only severely affects the technic and bureaucratic development of these measures, but it also signals the insisting on the status quo and reluctance to recognize the other to the ethnic groups. This finding seems in line with previous work conducted in the area suggesting that the lack of an official agreement on Kosovo's status lies at the basis of its current structural issues.

The fourth chapter focuses on field research that would help the assessment of an association between any type of transitional justice measure and its effect on intergroup relations and social dynamics. The selection of Peje and Gjakove as the site for my interview subjects was a result of the consideration of the literature on what factors of a settlement would affect people. Borrowing identity, guilt/responsibility, empathy, trust and forgiveness, as factors in an axis of positive change in intergroup relations after a violent conflict from Nadler & Schnabel (2008) and Kelman (2004), I developed a tentative set of questions for interviews.

The interviews, contrary to the expectation, did not show any significant difference between the approach to the outgroup that people in Peje and those in Gjakove had. Kelman (2008) puts a lot of importance on this shift in identity and its evolution. However, it might be said that it is a shortcoming of the process so far when it is observed that there was no observable accommodation of new identity factors neither in Peje nor in Gjakove. The Kosovar identity has not been acknowledged by the Serb community at all, a clear reflection of the stance the Serb state is showing. A similar behavior is observed on the other side where the Albanian side has not acknowledged its perpetrator status. The interviewees reflected a reluctance in acknowledging their guilt share of the past events even though several Albanian leaders have been tried for war crimes against Serbs in Kosovo. However, there is an observable presence of empathy and acknowledging the other's victimhood among the interviews. This can be explained by the lack of structural commitment empathy has, different to acknowledging responsibility. It is easier to acknowledge the other side might have suffered too if the group does not have to follow it by getting penalized or sharing collective guilt. Both areas showcase no significant difference in trust, however Gjakove seems to have developed a new channel for it, economic exchange. As Bulman & Werther (2008) claim, this type of recognizing the other as more than just bad traits is a very important step towards the improvement of relations between groups. In line with positive contact theory (Allport, 1979) explained earlier on, this type of exchange resulting in positive bias might turn into a very valuable channel for future developments between the two groups in the country. Ultimately, neither Gjakove nor Peje show any level of forgiveness and inclusive peace. Reinforced by their stances on responsibility and the ingroup bias reflected in it, the interviewees were convinced of living in separate settlement as the only mean of peaceful future, still reflecting the lack of a mutual agreement on the conflict resolution. The people of Peje and Gjakove were of the same divisive, distrustful, scapegoating and victim-blaming towards the outgroup, despite the interviewees from Peje having been exposed to a degree of reconciliatory measures compared to Gjakove that is in total lack of them. This, when considered under the importance Tutu (1999) and Gobodo-Madikizela (2002) give to forgiveness, as learned from the South African case, and their equalization of forgiveness with 'moving on', means that this absence puts another hurdle in the road to intergroup reconciliation in the country.

The overall discussion negatively answers my questions for this thesis. Kosovo seems to not have sufficiently committed itself to reconciliation process and it is lacking in all its aspects. It seems it has conducted a deeply flawed post-conflict process, undermining the idea that a peace agreement solves every issue that lead to or followed by conflict, especially when there is risk of repetition. The fieldwork suggests that the 2 major ethnic groups in Kosovo, regardless of reconciliation, do not seem to be finding a unified sense of future, which might mean a continuation of the separatist mindset in everyday lives.

The samples of the fieldwork seem to suggest that for the case of Kosovo there might be two explanations. First, in absence of state-run and state-enforced structures for adjudication, truth telling, indiscriminative information, educational change and any other reconciliatory measure, locally supported or grassroots activities exert little to no effect in intergroup relations bringing little to no degree of intergroup reconciliation. Second, transitional justice has overall little to no effect in the population. Both of these conclusions might be argued and supported by the data provided in this thesis. What this study further shows is that the core issues transitional justice and reconciliation as a process seem to face in Kosovo is the lack of a mutually agreed resolution document, lack of trust between parties (horizontal) and between parties and the state (vertical) and a general lack of knowledge of the narrative of the past and dealing with them would be the right action to be taken by the state.

Contribution and Future Recommendations

The theoretical contribution this study offers is bringing the theoretical construct of intergroup relations and reconciliation into the post-conflict state measures or transitional justice discourse. By distinguishing between purely political interventions and more socially based ones, it offers an original contribution into the social psychology of post-conflict. It also offers a framework for understanding the actions that would contribute to reconciliation in inter-ethnic conflicts with a focus on the divisive aspects as they would be addressed by the policies.

This empirical contribution this study brings is in the data it brings from an analysis of bilateral or unilateral governmental policies in Kosovo and by seeing how they might have had any effect on the population by conducting fieldwork in the area. Considering time and resources limitations, it focuses on two areas that are expected to offer a representative view of the whole country given their geographical, demographical, economical and historical characteristics. It is of importance to understand whether the right steps are being taken in the right direction as Kosovo being a new state faces additional difficulties in handling long term processes. It is also vital to see if they are having any effect and regulating in accordance to their shortcomings if they aren't.

Beyond the case study, what studying Kosovo offers is a contribution to comparative analysis as it gives the opportunity to understand transitional justice and reconciliation in secessionist states with continuing ethnic issues. The most similar case is geographically close, Bosnia. Surviving ethnic divergences and governmental insufficiency are common issues both face which means that any attempt at understanding one of them could help research about the other. Furthermore, the deeply rooted ethnic divisions and continuous ethnic clashes in Kosovo share striking similarities with the Kurdish issue in Turkey and the Basque autonomy issue in Spain even though the latter two haven't created new states so far. It is helpful to understand whether separating groups, to create more separation like in the case of Kosovo, is the only solution to a conflict case like theirs. The power asymmetry, political identity and intergroup relations issues are present in all the three cases. Studying how Kosovo dealt with them help us realize that there is a possibility that transitional justice and reconciliation might not be enough to deal with intractable conflicts in these types of settings. Furthermore, creating new state structures, securing their efficiency, passing efficiently from being the ethnic minority to being the ethnic majority and addressing whole new processes like securing justice and reconciliation proved to be a very difficult task for Kosovo in these past 20 years. This should encourage us to analyze and research about other possible ways of dealing with this issue rather than focusing on a process that has not always bred peace.

It is worthy of noting that the idea of separating or exclusive areas for each group seems to be in the plans of the Kosovar and Serb state too. Very recently, talks about re-assigning borders to accommodate ethnic divisions, or land swap, have surfaced. The proposed idea is

that of exchanging the Northern Serb majority areas with the Albanian majority areas. In short, Kosovo gets the Valley of Presheve (the majority of Albanians under Serb rule live in this area), and Serbia gets back what's in the northern part of Ibar, the river that divides Mitrovica the most contested territory in two parts between Serbs and Albanians. The plan has been backed by the majority of EU members with Germany being the strongest oppose and the US, the two major international actors in the on-going Kosovo-Serbia negotiations and all the parties seem to see it as 'the magical wand' to the resolution as the media has called it.

Surprisingly, even though it had never been part of the public discourse in Kosovo so far, after the idea was introduced by Vucic in the first half of 2018 it found direct support from the Kosovar government. This has given rise to suspicions that it had been proposed before and kept hidden from the people and it has caused a response from Vetevendosja and the general population in Kosovo, as local media like Balkan Insight or Ora or international outlets like BBC report. Even the terminology used during these months suggests a brewing issue that moves the plan's description from "border correction" to "land swap" leaving room for speculations and propaganda.

The idea might sound good if we think that it is like a surgical intervention to take out the root of the issue, however I would argue that, what happened in 1913 (London Conference) or the wars in Balkans themselves were also meant to deal with assigning ethnic groups to territories they "belong" in and the consequences of such plans and strategies are what we study on as ethnic conflicts in the Balkans today. Basically it is difficult for me to see how another deep intervention on ethnic groups' settlements would be different from what the region has been through in the past. Peace by separation is seldom the case in decisions that involve peace-building and divided societies so this option requires further research. If Kosovo and Serbia are still troubled by what happened to their territories, how does a similar move make the situation better? Yet, as both have failed to develop their multicultural profiles, so it is possible to try another approach to the wounds and issues the conflict has left but are two countries too much to sacrifice in such "experimenting". Kosovo risks to lose its major economic leverage with the Mine of Trepce and their fresh water resources becoming part of Serbia while Serbia risks to lose any touch with the Serbs living beyond their major loci, like Peje and Gjakove too. However, both the states seem

adamant on their need to please to receive EU passes which might mean that this plan, even though lacking of Kosovo citizens' approval might become reality.

This is an important development to note for this means that with a population change, the whole reconciliation process might be abandoned and Kosovo's case would need even further studies to be understood.

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APPENDIX I: INTERVIEW DETAILS

Interview #	City	Ethnicity	Gender	Age
1	Gjakove	Albanian	Male	20s
2	Gjakove	Albanian	Male	30s
3	Gjakove	Albanian	Male	30s
4	Gjakove	Albanian	Male	20s
5	Gjakove	Albanian	Male	50s
6	Gjakove	Serb	Male	50s
7	Gjakove	Albanian	Female	50s
8	Gjakove	Albanian	Female	20s
9	Gjakove	Albanian	Male	40s
10	Gjakove	Albanian	Male	50s
11	Gjakove	Albanian	Male	80s
12	Gjakove	Albanian	Female	50s
13	Gjakove	Albanian	Female	20s
14	Gjakove	Serb	Male	20s
15	Gjakove	Serb	Male	50s
16	Gjakove	Serb	Male	50s
17	Gjakove	Serb	Male	50s
18	Gjakove	Albanian	Female	20s
19	Gjakove	Serb	Male	30s
20	Gjakove	Albanian	Male	40s
21	Peje	Albanian	Male	70-80
22	Peje	Albanian	Male	60s
23	Peje	Albanian	Male	60s
24	Peje	Albanian	Female	60s
25	Peje	Serb	Female	50s
26	Peje	Serb	Male	60-70
27	Peje	Albanian	Female	30s

28	Peje	Albanian	Female	30s
29	Peje	Serb	Male	30s
30	Peje	Albanian – Turkish	Female	70s
31	Peje	Albanian	Female	20s
32	Peje	Albanian	Male	20s
33	Peje	Serb	Female	20s
34	Peje	Albanian	Female	20s
35	Peje	Serb	Male	50s
36	Peje	Albanian	Male	30s
37	Peje	Albanian	Male	20s
38	Peje	Serb	Male	30s
39	Peje	Albanian	Male	20s
40	Peje	Albanian	Female	20s

- The interviewees in yellow requested to not be personally quoted in any of the discussions.

APPENDIX II: INTERVIEW ATTEMPTED QUESTIONS

Main question the thesis addresses:

Have reconciliatory measures in Kosovo affected inter-group relations?

The questions are divided in 5 parts, according to the themes I'm looking to find. The reasons I have coded them so is for the later analysis to be easier.

Themes:

- Ingroup Identity
- Responsibility
- Empathy
- Trust
- Forgiveness

The chronology and the flow of the questions is meant to replicate the path of the 'perfect' reconciliation process and go from more institutional, top tier measures, to grassroots levels.

The interviews will be conducted in the native language of the interviewees or in English.

The interviews are planned to be semi-structured.

Introduction question:

- **What is the first thing to come to your mind regarding 1999?**

Ingroup Identity:

- 1- What was the event that affected you the most
- 2- Did you take part in any of the fights? Y/N, Would you like to explain more regarding the reasons you did/didn't do so?
- 3- How would you define the groups that were fighting at the time?
- 4- How would you understand whether someone was on the same side as you? Were there clear lines?
- 5- What was the position the (outgroup) living in this city took during the fights?

Responsibility:

- 1- What do you think lies at the base of this conflict?
- 2- What do you think could have prevented the deterioration of the conflict?
- 3- Have you kept up with the state policies regarding the adjudication past crimes?
/ Do you think a legal process is the right/sufficient way to deal with the post-conflict situations?

- 4- Do you see an ultimate perpetrator in this conflict? Y/N, Why do you think so?
- 5- Do you find a difference between the (outgroup) government/institutions and the (outgroup) itself?

Empathy:

- 1- Have you ever thought about the other group's approach to the conflict?
- 2- Do you think the 'feelings' (lack of a better term in English) about the conflict are mutual?
- 3- In your opinion, what was the major event that the other party suffered?
- 4- What do you think that event changed? Was it a good or bad turn of events?
- 5- How has that affected their present situation?

Trust:

- 1- How would you describe the relations between your ingroup and outgroup post-conflict?
- 2- Do you think there might be a re-occurrence of the events? Y/N, Why?
- 3- Are you regularly in touch with the outgroup?
- 4- Do you trust (outgroup) more now? Y/N, Why? What makes you feel so?
- 5- Would you vote for a government official from the outgroup to represent you?

Forgiveness:

- 1- What about on a personal level, would you have a preference regarding the ethnicity of someone you're in inter-personal relations with?
- 2- What do you think the past has taught you?
- 3- If you were the ultimate decision maker on a local or central level, how would you deal with the post-conflict situation? Do you support the idea of a reconciliatory process overall?
- 4- How would you define a better future? Do you think it's wanted by both sides and do you think it's possible with the steps that have been taken so far?
- 5- What is your definition of peace for Kosovo?